

30p

THE TIMES

30p

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What a laugh
Why MPs are wannabe comedians
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Mission to wreck of the Derbyshire

£2m hunt for reason why ship was lost

By Jonathan Prynn, Transport Correspondent

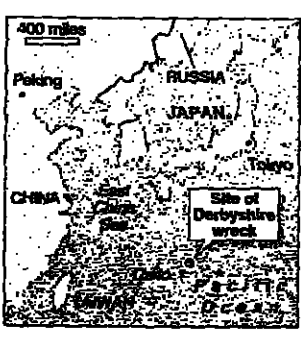
THE Government has ordered a £2 million expedition to the floor of the Pacific to establish why the biggest British ship lost at sea sank without trace during a typhoon in 1980.

All 42 British crew members and two wives on board the bulk-carrier *Derbyshire* were drowned when the four-year-old ship went down in two and a half miles of water off Japan after being pounded by 40-metre waves.

The investigation could force a fundamental redesign of the world's fleet of 400 bulk vessels. It was ordered by Sir George Young, the Transport Secretary, after the publication yesterday of a report by Lord Donaldson of Lynton, the former Master of the Rolls, who concluded that there was a compelling case for further investigation to solve "one of the great unsolved mysteries of the sea".

The likely cost of such an examination, although large, is fully justified in the light of the potential benefits to ship safety, said Lord Donaldson in his report.

Few changes have been made to the design of bulk carriers in the light of the



Derbyshire loss. Lord Donaldson said that Britain owed it to the thousands of seamen risking their lives all over the world to carry out the investigation.

The expedition, which will be sponsored jointly by the Department of Transport and the European Commission, will take place in the spring of 1996 or 1997, when sea conditions in the north Pacific are at their most favourable.

Deep-sea submersibles, probably unmanned, will take hundreds of detailed photographs of the wreck and attempt to bring a fragment to the surface. Recovering larger pieces, such as a hatch-cover, from 4,000 metres is regarded as beyond current capabilities.

Maritime unions and fam-

ilies of the victims greeted the announcement of the expedition enthusiastically, but accused the Government of attempting a cover-up and said it was a disgrace that it had taken so long to act.

The Donaldson report does not come to any firm conclusions about the cause of the sinking but says it is a serious possibility that design faults allowed the stern to shear off as the ship struggled through mountainous seas.

Other possibilities are that the *Derbyshire* had been fatally weakened by corrosion to its hull or that inadequately secured hatch covers were torn off by waves.

The ship broke up into hundreds of fragments as she sank to the sea bed and the stern section has never been found. The remains, scattered over a large area, are said to resemble the aftermath of a catastrophic plane crash rather than a recognisable ship wreck.

The findings of the expedition could have huge implications for the design of bulk carriers. Since the sinking of the *Derbyshire* 149 other bulk carriers have been lost, 21 as a result of unknown causes, with the loss of more than 1,100 lives. The accepted explanation - that the majority of the lost ships were poorly maintained, single-skinned vessels - might have to be abandoned in the light of the *Derbyshire* investigation, Lord Donaldson said.

"The *Derbyshire* was a double-skinned, very well



The *Derbyshire* went down in the Pacific with all hands



Atherton celebrates a famous draw. He batted for ten hours and 44 minutes

Epic innings by Atherton produces a great escape

By John Woodcock

ENGLAND'S escape in Johannesburg yesterday is one of the epics of Test history, just as Michael Atherton's 185 not out must be as fine an innings of its kind as an England captain has ever played.

If Atherton had been out at any time during his first 10 hours at the crease, England would almost certainly have lost the match. Yet he never looked less than composed and unhurried. Although he has a delightful cover drive and hooks well and times the ball sweetly off his toes, the pleasure he gives to the watcher is not aesthetic in the way it was when, say, Len Hutton was playing a long defensive innings: it is more perceptual.

One's thoughts kept going back to the Lord's Test match against Australia in 1953, when, in Atherton and Russell's stead, stood Trevor Bailey and Willie Watson, likewise right and left handers. Neville Cardus described England's survival then as "the miracle of faith". Bailey, like Atherton and Russell, loved the smell of battle.

I am wondering when a captain's stock was ever higher with his side than Atherton's must be this morning. His batting is an affirmation of character. When it comes to pure natural ability, he is, I think, less well endowed than poor Mark Ramprakash or Robin Smith or Alex Stewart or Graham Thorpe. It is his temperament that has made him what he is.

As Atherton kept "boogieing on" - this was Hutton's advice to Peter May on the voyage to the West Indies in 1953 - South Africa must have known, eventually, that something untoward was going to be required to get him out. His assurance, albeit against a

tiring attack and on a slow pitch, was amazing. On the same ground in 1956-57, I remember Frank Tyson needing oxygen during one of the tea intervals because of the altitude. If our hero bats as long in sticky Durban next week, he will need a whole wardrobe full of shirts.

Technically, Atherton defies the textbook only in the way that he opens up on the back foot, rather than being sure to point his right foot square on the off side. He finds it gives him more room for manoeuvre. As for Jack Russell, he is a

England draw the second Test in Johannesburg Page 48
Leading article, page 19

law unto himself. He plays French cricket, which bowlers neither understand nor appreciate. Survival, on these occasions, is much about knowing what ball to play and what to leave: of knowing where your off stump is, as the pros say. In this respect Atherton and Russell were equally dexterous.

I would not like to finish this tribute before recalling the famous partnership between May and Colin Cowdrey, which saved a seemingly lost cause at Edgbaston against West Indies in 1967. That was against the dreaded Ramadhin and Valentine: indeed, they were never quite the same threat again. And how indebted we were to Dennis Amis at Kingston in 1973-74 after England had conceded a first innings lead of 230. We can't bowl for peanuts at the moment - but yesterday we were not too proud to fight. It was great stuff.

Finest hour, page 48

EU sports boycott against Nigeria

The European Union imposed a sports boycott on Nigeria, adding to pressure on the military leadership to restore democracy and improve human rights.

"This is a further tightening of the screw against the Nigerian regime," Malcolm Rifkind, the Foreign Secretary, said. All contacts in the field of sport would be "interrupted", the ministers decided, by means of denying visas to official delegations and national teams.

Forte to sell stake

Forte, the hotel and restaurant group, is to sell its hard-won stake in the Savoy Group, which includes Claridge's, the Berkeley, the Connaught and the Savoy itself. It hopes to raise about £200 million from the sale.

The decision was immediately branded as a "panic" move by Granada, which last week launched a £3.4 billion bid for Forte. Pages 5, 25, 27, 29

French Ministers firm on reform

FROM BEN MACINTYRE IN PARIS

WITH Paris facing another day of gridlock today, the French Government has reaffirmed its determination to carry out reforms that have enraged the trade unions.

Reform of the welfare system remains at the top of the Elysée agenda, according to Alain Lamassouire, the Budget Minister. In an emergency meeting, the Cabinet last night reaffirmed its will to see through the reforms and a

readiness for dialogue with the unions.

As Parisians took to batteaux-mouches tour boats on the Seine to get to work, the franc came under pressure on the foreign exchanges.

Last night university students seeking funds for additional teachers and facilities rejected a government offer and extended their strike.

Chirac insists, page 14

Cold snap to bring snow

By Andrew Pierce and Jeremy Laurence

UP TO three inches of snow is expected to fall over eastern and some southern areas of England today, the London Weather Centre forecast.

The east coast from Scotland to East Anglia, the Pennines, and parts of southeast England will have the heaviest snowfalls as temperatures drop to below freezing this evening. The snow will move inland, driven by icy winds from Siberia, and could cause chaos on the roads. The cold snap is expected to last all

week before milder temperatures return.

A spokesman for the London Weather Centre, which has issued grating forecasts to local authorities, said: "The weather is going to be miserable unless you are a skier. There could be up to three inches of snow in places."

Western England and Wales will stay mainly dry. Northern Ireland will have the mildest temperatures.

William Hill has cut the odds of snow falling in London on Christmas Day from 10-1 to 8-1. This autumn

was the mildest this century and the fifth warmest since records began more than 300 years ago.

British Rail, which was embarrassed when trains ground to a halt because of the "wrong kind of snow" four years ago, says that it has a fleet of de-icing trains and snow ploughs on standby.

The RAC warned motorists not to be caught out by the freeze. Shelly Maxwell, a spokeswoman, said: "Forward planning can help to keep the wheels turning in the cold."

Forecast, page 24

Poetic dream of embraces with John Prescott

By James Landale, Political Reporter

JOHN PRESCOTT, unlike Tony Blair, has never won any plaudits for his smooth good looks and photogenic charm.

Until now. For Labour's deputy leader and former merchant seaman now finds himself cast in the unlikely role of a sex symbol.

In *A Political Kiss*, a new poem published in the latest edition of *Poetry Review*, the quarterly magazine of the Poetry Society, Fleur Adcock, 61, the New Zealand-born poet, describes a sexual fantasy in which she dreams of kissing the tough-talking face of New Labour.

Ms Adcock, who is published by Oxford University Press, is described as "one of the most popular poets in Britain" in the latest edition of

Contemporary Poets, the poetry world's Bible.

Ms Adcock is a former Foreign Office librarian who settled in Britain in 1963. She has edited *The Oxford Book of Contemporary New Zealand Poetry*, *The Faber Book of Twentieth Century Women's Poetry* and most recently, *The Oxford Book of Creatures*.

Last night, speaking from New Zealand, she said: "I had my mother staying with me and I had this dream and my mother got in the dream as people do when they are around. It was just a little bit of fantasy."

She added: "You will notice I was not kissing a Conservative politician. I wouldn't do that even in my dreams."

She first wrote the poem in



Fleur Adcock and muse, the Labour deputy leader

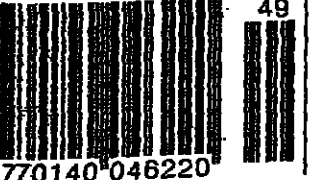
A Political Kiss

In the dream I was kissing John Prescott - or about to kiss him; our eyes had locked and we were leaning avidly forward, lips out-thrust, certain protuberances under our clothing brushing each other's fronts, when my mother saw us, and I woke up.

In fact I've never kissed an MP.

The nearest I got was a Labour peer in a telephone box at Euston station (one of the old red kiosks - which seemed appropriate at the time).


But I don't suppose that counts, does it?



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A Christmas plea: deck the halls with bounders and wallies

There are winter afternoons in the Commons when the grey seems to seep into the Chamber itself. Yesterday, with the Attorney-General and the Secretary of State for Wales on the bench for Questions, was such an afternoon. So your sketch-writer tucked himself away with *Hansard* to reflect on the sad decline over the year past in the art of parliamentary insult.

It's been a rotten year for good manners and an even worse one for bad manners.

The Major-Blair regime now installed at the dispatch box appears as incapable of real courtesy as it is of honest-to-goodness barbarity. Their minds on the next soundbite, leading parliamentarians have forgotten not only how to soar, but how to get down on to the floor and scrap.

Media advisers counsel circumspection in both praise and abuse. Half-sneers and half-acknowledgements take their place. Nothing is conceded, nothing volunteered, nothing won, nothing lost, nothing

risked. It was not always so. Neil Kinnock lost his temper and snapped at the late Robert Adley, who had asked whether there was anything on which he had not reversed his opinion. "Yes," he replied. "When I entered the House I formed the view that the hon. gentleman was a jerk. I have never changed it." The Speaker disallowed the word "jerk". Kinnock withdrew it. Adley was too big a man to take offence, and the gaiety of the afternoon was much improved. When a Labour back-



MATTHEW PARRIS
POLITICAL SKETCH

bencher accused Mrs Thatcher of behaving with "all the sensitivity of a sex-starved bo-constrictor", she rose above the insult, which the Chair allowed. Kenneth Baker survived being called "Mr Oil Slick" (disallowed) and "cruel swine" (allowed), while Nigel Lawson was no worse for the appella-

tions "fat bounder" and "bozzous beeloon" (both disallowed). Between 1980 and 1990, the Chair actually permitted the expressions "Quisling", "snivelling little girl", "old Estonian twerp", "wally", "arrogant little basket", "wet-necked twit", "fat-head", "utter crap" and "the minister does not give a fart".

True, the Speaker's digestion varies. As late as 1953, "cheeky young pup" was ruled out of order, as (in 1910) was "half pantaloon and half highwayman". And in the decades that followed, "parasite", "spiv", "scab", and "little squirt" failed to make it under the wire. But "calumnious" (sic) got through as early as 1864, even if "flipping mendacity" was banned in 1888. One hundred and four years later "telling porkies" was allowed at first, then, some days later, disallowed

by Mr Speaker Weatherill... "I think we will not have that word. It escaped my notice last week. I had to look it up. The hon member should please withdraw it."

And what have we now? Michael Howard accusing Jack Straw of misleading the House, and being asked to withdraw the expression! Do us a favour, Tony and John, set a lead.

Quit the weasel insinuations and plonking put-downs. You have five spat left to Christmas. You don't like each other much, we know that. So let the "prats", "berks" and "wallies" ring out! Call him a badger-faced geek, call him a sad sack of dithering hesitation. Tony! Call him a stuck-up, prissy, whiney-voiced aardvark, call him a whey-faced Holy Willie, John. Get it out of your systems. You'll both feel the better for it. It's time for a little festive spite.

□ *Scorn, with Added Vitriol*, Matthew Parris's anthology of insult, is published by Hamish Hamilton.

Labour MPs break rank

Leftwingers plan to vote against Budget tax cuts

By JILL SHERMAN
POLITICAL CORRESPONDENT

LABOUR leftwingers will defy Tony Blair by voting against the 1p income tax cut proposed in the Budget. The Labour leadership has decided to abstain on the tax cutting measures in tonight's Budget votes, to underline the message that Labour is no longer the so-called high-tax, high-spend party.

At least 10 members of the Campaign Group are expected to ignore the three-line Labour whip by voting against the proposal. A handful of other MPs who are not members of the group may also defy the whip.

In a separate development, Labour last night tabled an amendment to the main Budget resolution on VAT on domestic fuel. While no specific figures are mentioned, Labour will use the move to call for a reduction on VAT on fuel from 8 per cent to 5 per cent and to embarrass Conservative MPs voting against it.

Members of the 30-strong Campaign Group were divided at a meeting last week as to how to vote on the income tax reduction from 25p to 24p. The rebels who intend to oppose the 1p cut argued that there was no public mood for tax cuts and that the money would



Simpson: expects most colleagues to abstain

be better spent on health and education.

That message was reiterated by Dennis Skinner, MP for Bolsover, at last week's National Executive Committee meeting. Mr Skinner told the executive that Labour could occupy "the high moral ground" and benefit electorally if it opposed tax cuts.

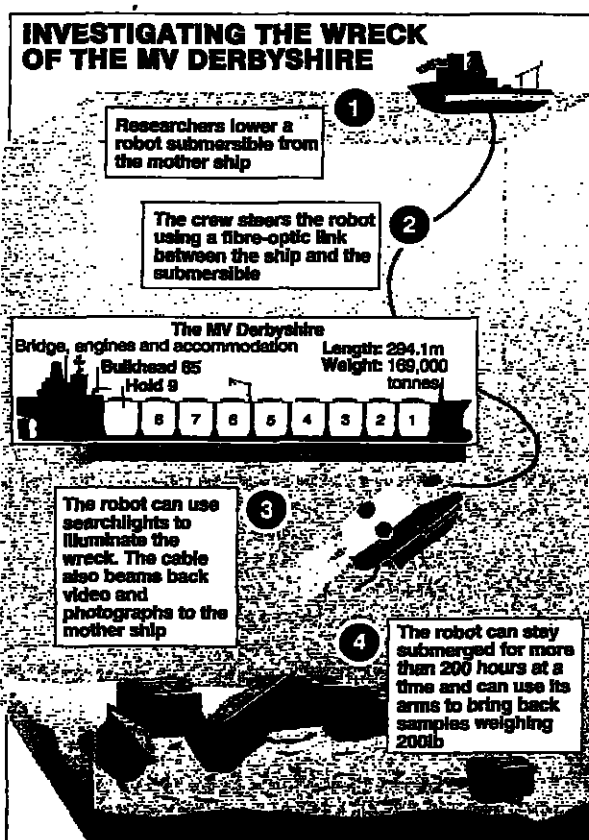
However, a majority of Campaign Group members are expected to abstain tonight. Alan Simpson, secretary of the group, said there was a quite compelling reason not to oppose a measure that helped lower income groups. He also argued that there was a case for a further cut in the base rate financed by an increase in the top rate of tax.

Mr Simpson disclosed that the Campaign Group would be suggesting much firmer proposals for a restructuring of the tax system to make it more redistributive nearer the general election. He has been particularly concerned by comments made by Gordon Brown, the Shadow Chancellor, that he had "no plans to raise the top rate of tax".

Labour will vote against the main Budget resolution tonight on the grounds that it does not fulfil their proposals for investment, tackling unemployment or having a fairer tax system. In addition to its VAT amendment it intends to table a separate amendment on the public spending motion of the Budget, which is expected to criticise the Conservative decision not to impose a windfall tax on the privatised utilities to raise more resources for public services. If that fails it will vote against the Tory motion.

The Liberal Democrats will vote against the proposal to reduce the basic rate of tax to 24p. They will also oppose measures to raise excise duty on vehicles, on environmental and rural grounds. The party will support Labour's amendments on spending and VAT.

Australian invite, page 8
Peter Riddell, page 10



Derbyshire mission

Continued from page 1 maintained, well-built, young ship," he said. She was one of six identical vessels, of which only one remains afloat, built at the Swan Hunter shipyard on Teesside.

Graham Allen, Labour's shipping spokesman, said the mystery surrounding the sinking had been "very unsatisfactorily handled so far". Brian Orrell, the general secretary of NUMAST, the ships' officers' union, said the *Derbyshire* controversy was "a scandal which has dragged on since the ship sank".

Marion Bayliss, who lost her husband Francis, the ship's chief officer, said yesterday on BBC Radio 5 Live's *Nationwide* programme: "If nothing is done, my husband and the other 43 people aboard died in vain."

Paul Lambert, who lost his brother Peter, said: "It is a great weight off the shoulders of the families and seafarers around the world."

Families and unions had never accepted the conclusion of an official report in 1987 that the *Derbyshire* was "probably overwhelmed by the forces of nature". Lord Donaldson was asked by the Government to make a fresh assessment after a union-financed expedition located the wreck last year.

US likely to provide technology and skills

By NICK NUTTALL
TECHNOLOGY CORRESPONDENT

THE mission to explore the *Derbyshire* and search for clues to its sinking is expected to be won by an American company. Firms in the United States have, over recent years, developed the technology and skills to study deep wrecks, including the *Titanic*.

Donald Dean, of Oceanic Technology in Maryland, which was hired by the International Transport Workers' Federation to find the *Derbyshire*, said yesterday that, at 2½ miles down, the wreck was at a similar depth to the *Titanic*. While two-man submarines could negotiate those depths, Mr Dean said robots were probably cheaper and safer.

Mr Dean's company used sonar to find the wreck and then dispatched a submersible called *Magellan* to photograph it. *Magellan* is guided by a fibre-optic cable to the surface, allowing the crew to collect filmed images. It can also pick up fragments of debris weighing up to 200lb for later inspection.

David Wardle, secretary of the Society for Underwater Technology in London, said that British scientists from Southampton University had last year investigated underwater vents at depths similar to where the *Derbyshire* lies. He agreed that while robots would be used initially for the *Derbyshire* study, manned submersibles might be deployed afterwards.

Major urged to limit Princess's new role

Conservative MPs urged John Major yesterday to limit the role of the Princess of Wales on the world stage. Senior backbenchers suggested that the Princess should concentrate on extending her charity work rather than becoming a formal roving ambassador.

The Times reported yesterday that ministers and Buckingham Palace officials were seeking curbs on any formal ambassadorial job for the Princess. As Mr Major prepared for his weekly audience with the Queen today Dame Jill Knight, vice-chairman of the Tory backbench 1922 committee, said: "It really is not enough just to smile at people and pat them on the head. If you are going to be a diplomat, you have got to have many years of experience."

Drink-drive rebuff

Calls by senior doctors and police chiefs for a reduction in the drink-driving limit were rejected yesterday by Steven Norris, the Transport Minister, who said the public would ignore a lower limit. Mr Norris, speaking on BBC Radio 4's *Today* programme, said demands to cut the limit from 80 to 50 milligrammes of alcohol per millilitre of blood were misguided. "There is no point setting the limit at zero or any other figure if people simply ignore it."

Howard challenged

The Home Secretary is to face a legal challenge over government proposals to transfer the responsibility for collecting fines from the police to magistrates' courts. The Central Council of Magistrates' Courts' committees wants to stop Michael Howard from forcing the courts to take control of the civilian enforcement officers who serve arrest warrants and collect fines in London. The magistrates say they have insufficient resources.

Senility linked to father

Children born to older fathers and who live in cities are more likely to develop dementia in later life, scientists have found. A study of 6,000 cases of dementia in Scotland between 1974 and 1988, published in the *British Journal of Psychiatry*, showed those suffering from pre-senile Alzheimer's disease - before the age of 65 - were more likely to have had an older father. There was no link with social deprivation, occupation or place of residence.

Surgeon accused

A consultant illegally aborted an 11-week-old foetus during a hysterectomy on a childless woman, Nottingham Crown Court was told yesterday. Reginald Dixon, of King's Mill Hospital, Sutton-in-Ashfield, Nottinghamshire, discovered the pregnancy only after starting the hysterectomy on Barbara Whiten, 35. The court was told that he continued because he believed that was what the patient would choose. He denies unlawfully procuring a miscarriage.

Beef off schools menu

Half of the 180 primary schools in West Glamorgan have taken beef off the menu at the request of parents who fear their children might become infected with "mad cow" disease. West Glamorgan sends parents a list of proposed school menus six months in advance. Secondary schools in the county are still serving beef as pupils can choose other dishes. In the four weeks to November 19, beef sales fell by 5 per cent throughout Britain.

Priests complete switch

The Archbishop of Westminster, Cardinal Basil Hume, last night ordained 11 former Church of England clergymen as Roman Catholic priests at a service at Westminster Cathedral, London, attended by 2,000 people. The 11 priests, who were all unmarried and who had been ordained into the diaconate in July, decided to leave the Anglican church in November 1992 when the General Synod voted to ordain women priests.

Legal publishers hoaxed

The legal publishers Butterworths have called in police to investigate a hoax letter telling subscribers of "numerous errors" in its flagship publication, *All England Law Reports*. The subscribers - law firms, barristers, judges, company legal departments and others - are advised by the hoaxer "not to rely on the *All England* until you have had further notification". The publishers have sent out a letter warning of a malicious fabrication.

Card fraudsters jailed

A gang of fraudsters filmed more than 1,000 unsuspecting cashpoint customers keying in pin numbers so they could make hundreds of bogus cash cards. Southwark Crown Court in London was told yesterday. They then raided Abbey National accounts across England. John Gravette, 50, a car dealer, of Edmonton, north London, was jailed for four years, his son Warren, 27, of Palmers Green, north London, for two. They both admitted conspiracy to steal.

Belfast Catholics suffer 56th attack

By NICHOLAS WATT, IRELAND CORRESPONDENT

LOYALIST paramilitaries who set fire to a house in West Belfast were accused by the Roman Catholic family yesterday of attacking them for the fifty-sixth time in nine years. The attack prompted a senior police officer to say: "Whatever we have at the moment, it is not peace."

Stephen Lismore, who was at home with his wife and three children when his front door was set on fire on Sunday evening, said the Ulster Defence Association had targeted his house simply because he was a Catholic. The fire, which shot flames into the hall and up the stairs, was quickly put out and no-one was injured.

Superintendent Ian Williamson, the local RUC subdivisional commander, said Mr Lismore, his wife, Angela, and three children were lucky to escape alive. "This was a very serious incident. You are talking about a sectarian attack. You are talking about paramilitary involvement."

Two men were arrested in connection with the attack. Dr Joe Hendron, the SDLP MP for West Belfast, condemned the attack as disgraceful and said he would ask the RUC why the family had not been given proper protection.

Mr Williamson said the attack showed paramilitaries were still active, despite the ceasefires. He told BBC Radio 4: "The activities of paramilitaries on both sides since

the ceasefires are such that they are certainly not conducive to a peaceful environment. Whatever we have at the moment, it is not peace."

George Mitchell, chairman of the international commission on terrorist arms, will open offices in Belfast and Dublin next week as he launches the Anglo-Irish initiative to overcome the impasse on weapons.

Meanwhile John Hume, the SDLP leader, and David Trimble maintained the momentum of the peace process last night when they held their first formal talks since Mr Trimble's election as leader of the Ulster Unionists in September at an hotel in Dunadry, Co Antrim. They said they would be seeking an urgent meeting with John Major to present fresh economic proposals.



Hendron: condemned fire attack on house

Labour pledges to shut failing schools

By JOHN O'LEARY
EDUCATION EDITOR

LABOUR will promise to be tough with incompetent teachers and close more failing schools in a series of measures to be announced today to raise standards in state education.

Plans to be put forward by Tony Blair, the party leader, will focus on improvements to teacher training and the raising of aspirations in the classroom. Every school will set a three-year target to improve standards. The proposals include new powers for govern-

nors to dismiss heads or teachers who are deemed to be incompetent. Inspectors' reports will identify unsatisfactory staff, and streamlined procedures will allow swift action if extra training does not bring improvement. Appraisal reports will also be available to governors for the first time.

The new policy represents Labour's most concerted attempt to steal a march on the Government in the area of educational standards. Head teachers have already expressed concern at what they

see as an "anti-teacher" tone in the proposals. Several of the measures, including the linking of schools to the "information superhighway" and a reduction in class sizes for children under eight, have been trailed by Mr Blair and David Blunkett, the Shadow Education Secretary.

But the package will include new proposals, such as the introduction of foreign languages in primary schools and incentives to keep outstanding teachers in the classroom. Labour strategists believe the Government is

vulnerable on educational standards since this summer's stagnation in pass rates for public examinations. Mr Blunkett has accused ministers of complacency over declining English and mathematics results, and highlighted Britain's falling position in international comparisons.

The new policy promises to transform the teaching profession. Courses for recruits to the profession will concentrate on basic techniques, overseen by a General Teaching Council so far rejected by the Government.

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Sara Thornton was a victim of battered woman syndrome, Appeal Court is told

Trial judge 'did not highlight provocation'

By RUSSELL JENKINS

SARA THORNTON, jailed for life for the murder of her drunken and violent husband, was a victim of "battered woman syndrome", the Court of Appeal was told yesterday.

The 38-year-old mother should never have been convicted, her counsel said.

Her tempestuous but short-lived marriage to Malcolm Thornton, a former police officer, was punctuated by drunken insults, abuse and violence leaving her "powerless, vulnerable, sensitive and incapable of taking meaningful action", Michael Mansfield, QC, told the court.

He said that Thornton, who had been subjected to a torrent of sexual taunts from a jealous and alcoholic husband, was particularly prone to "snap" because she was suffering from a serious personality disorder. On the night of the killing he said she lost control when her drunken husband called her a whore, accused her of selling her body and threatened to kill her. She picked up a kitchen knife to frighten him and show him he could not hurt her any more.

Mr Mansfield asked three appeal court judges, headed



Malcolm Thornton: stabbed to death

by Lord Taylor of Gosforth, the Lord Chief Justice, to quash her conviction on the ground that the original trial did not take enough account of her defence, which combined provocation with diminished responsibility. There was, he said, now a greater understanding of the syndrome since Thornton was jailed.

The appeal hearing, which is expected to end today, is regarded as an important test case to establish whether "battered wives" who say they have been subjected to years of domestic abuse can claim the defence of provocation.

Thornton was jailed for life

by Birmingham Crown Court in February 1990 for murdering her husband, a security company manager. She stabbed him to death with a single blow from the kitchen knife as he lay in a drunken stupor on the settee at their home in Atherstone, Warwickshire.

Mr Thornton, 44, had allegedly threatened to kill her after a prolonged drinking session. Her actions were described as "cold and calculating" at the trial.

The conviction was upheld by three judges in 1991 who refused to accept her claim that she was provoked or that the conviction was "unsafe and unsatisfactory". They ruled that provocation could not be used as a defence because there had been no "sudden or temporary loss of self-control".

The case was referred back to the Home Secretary earlier this year. Thornton was subsequently released on bail after a brief hearing before Mr Justice Sachs five months ago.

Mr Mansfield asked the judges to consider some fresh evidence, much of which was available at the time of the trial but was not used by the defence team. It shows that



Sara Thornton, left, being embraced by Emma Humphries outside the Court of Appeal yesterday

Thornton was the victim of long-term abuse from a violent alcoholic. Mr Mansfield said the original trial did not deal actively enough with the issue of provocation.

Her counsel said that Thornton showed remorse on

a number of occasions, telling her interviewers: "Oh God, I loved him so much."

But Lord Taylor pointed out that she had earlier told ambulance men trying to revive her dead husband: "I don't know why you are doing

that. I sharpened up the knife. Let the bastard die."

Mr Mansfield quoted expert evidence which suggested that Thornton was reduced to a psychological state that left her vulnerable to her husband's taunts and not respon-

sible for her comments straight after the stabbing.

Her mental responsibility was "substantially impaired". He said the trial judge did not do enough to highlight the defence of provocation in his summing up.

Feminist group focuses on next case

By RICHARD FORD
HOME CORRESPONDENT

A SMALL group of feminists who campaigned for Sara Thornton's release are mobilising support for their next case.

The pressure group Justice for Women is to press for an appeal for Josephine Smith, 33, serving life for murdering her husband. She claims that she killed him after long-term abuse.

Justice for Women helped in the case of Kiranjit Ahluwalia, who served three years for murdering her violent husband but was freed at a retrial after a plea of guilty to manslaughter was accepted.

This summer the group was behind the successful appeal by Emma Humphries, who was freed when judges ruled she had been wrongly convicted of murdering her violent boyfriend. For the first time judges made clear that a defence of provocation can succeed if there were incidents over time that drove a woman to kill.

Justice for Women was founded in 1991 and is run from a house in north London on a shoestring budget. Its key figures are Julie Bindel, 33, a graduate in film studies, Harriet Wistrich, a trainee solicitor and Sarah Maguire, a barrister.

Brutal murderer of nurse still at large, say police

By ADRIAN LEE

A RESEARCH nurse at Oxford University who was found naked, gagged and battered to death at her remote farmhouse was probably murdered by a local man who is still at large, the inquest into her death was told yesterday.

Although 2,000 people had been questioned, police said there was no sign of a breakthrough in the search for the killer of Janet Brown. Her husband Dr Grahaem Brown, 53, who was working in Switzerland when his wife was killed and is not a suspect, was in court yesterday to hear that the investigation had reached a virtual dead end.

Mrs Brown, 51, a mother of three grown-up children, was "terrified and terrorised" before she died from suffocation and head injuries at Hall Farm, in Radnage, Buckinghamshire, in April.

Richard Hulett, the South Buckinghamshire coroner, recording a verdict of unlawful killing, said Mrs Brown led a thoroughly respectable life and did not deserve to die so brutally. He said: "Her attacker overpowered her and she was restrained with handcuffs. No

doubt terrified and terrorised, she was gagged with tape which embraced her mouth and nose. That would have suffocated her very quickly.

"Her attacker then set about her repeatedly and with considerable violence, delivering blows to her head. Mercifully, this would have brought on unconsciousness and death very quickly indeed."

Mrs Brown's body was found on the lounge floor, on the morning of April 11 this year. Any suggestion that she had been having an affair had been ruled out. Mr Hulett appealed for help to solve the crime and asked anyone who remembered a relation or friend behaving oddly, or washing away bloodstains, to come forward.

Detective Superintendent Michael Short, who is leading the murder inquiry, said that although he believed the culprit was local there was no likelihood of any imminent breakthrough. He said the intruder used glass cutters and sticky tape to prevent panes in double glazed windows from smashing loudly when they were removed during the break-in.



Janet Brown was handcuffed before being murdered while her husband Grahaem was in Switzerland

Short pupil killed boy over gibes, court told

By A STAFF REPORTER

A SCHOOLBOY killed a fellow pupil who had taunted him about his height, a court was told yesterday.

Ashley Stevens, 6ft 2in, died after being knifed in the face up to ten times by a 5ft boy, who cannot be named for legal reasons. Both boys were 14. The defendant denies murder and manslaughter.

"The two boys had much in common and the world was at their feet," Gerald Price, QC, for the prosecution, told Cardiff Crown Court. They had been friends but fell out after Ashley's taunting. "This was the source of some considerable irritation to the youngster and perhaps gnawed away at him," Mr Price said.

"He felt Ashley was picking on him and throwing his weight around. He was not a person to ignore this situation or to leave it unfinished."

The boys were with friends drinking cans of lager in playing fields in their home town of Cowbridge, near Cardiff, on May 19. A friend told the shorter boy "to sort Ashley out".

Ashley was a sitting duck in an unexpected assault, Mr Price said. "His attacker punched him several times in the face and then decided to play football with his head using his knee. Some witnesses saw this boy grab Ashley's hair, pull his head down and then knee him in the head."

Ashley was taken home by another boy's father after collapsing. The blows caused serious internal bleeding and bruising to his brain. He died four days later in a Swansea hospital with his parents at his bedside.

Ashley was an all-round sportsman and a member of the Scouts, the court was told. The trial continues.

'Co-operative' Leeson shocked at length of prison sentence

By ROBERT MILLER

NICK LEESON, the former Barings trader jailed for 6½ years in Singapore, is deeply shocked by the length of the sentence.

Leeson, 28, who had been hoping to receive no more than five years and serve less than three after being convicted of two charges of cheating, is said to be finding it difficult to come to terms with the prospect of serving just under four years.

Stephen Pollard of Kingsley Napley, Leeson's British lawyer, declined to comment at his London office yesterday. He said: "As you will appreciate we have ten days in which to decide whether to appeal against my client's sentence and until then I would rather not comment."

John Koh, Leeson's lawyer in Singapore, also declined to comment. If Leeson's appeal were to fail, his sentence could be increased to eight years.

Privately, Leeson's legal team is shocked at the length of the sentence handed down by Senior District Judge Richard Magnus, known locally as "Maximum Magnus" for his tough sentencing policy. Leeson's co-operation with the Singaporean authorities was duly noted by the prosecution, which did not press for a deterrent sentence. He also pleaded guilty and paid £70,000 to the Commercial Affairs Department (CAD), which is still investigating the \$860 million crash, to cover some of its costs.

Until the sentence on Satur-

day it looked as if Mr Pollard had pulled off something of a legal coup. When it became clear that Leeson would have to stand trial in Singapore, he hired Mr Koh, a local lawyer, who began behind-the-scenes negotiations with the CAD in late September.

By the time Leeson's case came to court last Friday, Mr Koh had made considerable headway and there was optimism in the Leeson camp of a sentence of up to five years, of which he would actually serve about three.

The CAD, of which Mr Koh is a former deputy director, may now press charges against senior members of Barings' management, accused in a Singapore report of "institutional incompetence".

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هكذا من الأصل

Love affair with hotel combined emotional yearning with sound business instinct

Beleaguered Forte group cashes in its Savoy chips

By Jon Ashworth

FORTE, the besieged hotel and restaurant group, is to sell its hard-won stake in the Savoy Group, casting a shadow over some of London's most famous landmarks. The sudden decision puts the lid on one of the City's most vitriolic battles and was called a "panic" move by Granada, which last week launched a surprise £3.4 billion bid for Forte.

Granada had dismissed the Savoy stake, which includes Claridge's, the Berkeley, the Connaught and the Savoy, as a "trophy" asset that had no commercial logic. Forte, which is due to publish its defence document later this week, has tried to seize the

initiative by pushing through a number of Granada's recommended measures.

Forte hopes to get about £200 million for the stake in the Savoy but how it will dispose of it remains unclear. Gerry Robinson, chief executive of Granada, said the planned disposal was ill-conceived and smacked of desperation.

The Savoy has long had a special place in Lord Forte's heart. It was there that he proposed to his wife and where he told her on their honeymoon that one day he would own it.

The wedding night tale may be no more than folklore, but Lord Forte has never made a secret of his ambitions for the Savoy. The Savoy name, he will say, is known throughout the world, and winning it would have been a feather in the cap. And, yes, it was there that he asked his wife to marry him. Emotion, as much as hard-headed business instinct, did play its part.

One of the City's most tortuous soap operas began in March 1981 when Trusthouse Forte, as it then was, launched an unwelcome £8 million bid for the Savoy Group. The offer was later raised to



Lord Forte, left, proposed to his wife at the Savoy. Sir Hugh Wontner, below right, opposed the Forte struggle to win control of the group

£67 million but the Savoy's complex share structure, designed to thwart just such an approach, proved too much for the Forte camp. The aggressors won 68 per cent of the "A" shares but only 42 per cent of a further class of "B" shares, which carried more voting power, and were largely in the hands of Savoy allies. The battle was lost.

But the Fortes refused to go quietly. Open warfare erupted

again in the summer of 1985, when the Savoy took an advertisement in *The Times*, accusing Lord Forte of double dealing. It said: "Ironically, while Lord Forte is doing his best to denigrate these famous hotels... he is nevertheless trying very hard to get control of them."

The dispute soon settled into a familiar tussle between Lord Forte and Sir Hugh Wontner, the Savoy Group's chairman

and former Lord Mayor of London, who found a formidable ally in Giles Shepard, later the Savoy's managing director. Sir Hugh, who died in 1993, became known for comments such as: "Italians make good hotel managers", and "I've known little Forte since he ran his milk bar."

An uneasy truce was reached in 1989. Lord Forte agreed to drop a string of law suits aimed at wresting power,

in return for two seats on the Savoy board. The fight had cost about £2.5 million in lawyers' fees.

The breakthrough came in September last year, when Sir Rocco Forte, Lord Forte's son, was appointed to a new chairman's committee. Mr Shepard resigned and Ramon Pajares arrived from the Four Seasons to take his place.

Cynics were soon claiming that Forte had won after all.

Standards had slipped. Even the ban on mobile phones was lifted.

Now the Savoy is once again facing an uncertain future. Forte has yet to decide exactly how it intends to dispose of its stake. That anyone will buy it is by no means certain. The Forte family could, of course, try to buy the stake in their own right, neatly squaring the circle, but that would be easier said than done.



Doctor denies intimacy with libel case MP

By A-Staff Reporter

THE man alleged to be the gay lover of a Tory MP denied yesterday that there had been any physical intimacy between them when they shared a double bed on a French break.

Dr Ciaran Kilduff, 32, told the jury at the High Court on the ninth day of David Ashby's libel action against *The Sunday Times* that he was surprised when he saw their room at the Chateau Tilques, St Omer, in January 1994.

"It had one very large double bed. I was surprised because I thought I had booked a twin-bedded room," said Dr Kilduff, of Putney, southwest London.

"It didn't upset me. I would have been embarrassed to be the one to force the issue and insist on going back downstairs to change the room."

Dr Kilduff said he came from a family of six and had shared a bed with his brother through his childhood. He said he and Mr Ashby had dined together and afterwards played cards in the hotel lounge. Mr Ashby went up to bed first and he followed 15 minutes later.

Mr Ashby's counsel, Geoffrey Shaw, QC, asked: "Was

there, as *The Sunday Times* alleges, physical intimacy between you?"

Dr Kilduff replied: "None whatsoever."

He said he had agreed to join Mr Ashby on a tour of French battlefields when the MP had said it would not cost too much as they could share a room.

The 55-year-old MP for Leicestershire North West is claiming damages over an article published in January 1994, which said that he shared a double bed with a man friend during a holiday in Goa at the end of 1993.

He says it alleged that he was a homosexual who had misled his estranged wife about the nature of his sexuality; that he had lied to the public about having an affair with Dr Kilduff in France; and that he was a hypocrite in having emphasised the importance of the family in his last election address.

Times Newspapers Ltd and Andrew Neil, the former *Sunday Times* Editor, deny libel. Although they accept that Mr Ashby did not share a holiday with a man in Goa, they assert that he was and is having an affair with Dr Kilduff.

Daughter attacks Baden-Powell film

By Alexandra Frean, Media Correspondent

THE daughter of Lord Baden-Powell, founder of the Scout movement, made a last-ditch attempt yesterday to persuade Channel 4 to scrap a documentary film that talks of her father's "confused sexuality and latent sadism".

The programme, entitled *The Boy Man*, claims that Lord Baden-Powell suffered from "arrested development" and flirted with the Hitler Youth movement. The hour-long documentary, which also describes his enjoyment at watching executions, has

already been roundly condemned by the Scouts Association and by the present Lord Baden-Powell, the association's vice-chairman.

Betsy Clay, Baden-Powell's only surviving child, last night called the programme "salacious goo" and urged Channel 4 not to show it. Mrs Clay, 74, said: "I co-operated with this programme - I gave them access to photographs and help. They have totally misled me and the public." She added that her father was a good family man and a devoted husband.

The film, made by Antelope Productions for Channel 4, is to be shown on Thursday.

The Scouts Association said the programme-makers had taken living standards of 50 or 60 years ago and judged them by today's standards. "We gave them access to our archives and there was nothing there to suggest Lord Baden-Powell's latent sadism," a spokesman said.

A Channel 4 spokeswoman said: "We stand by the film which gives a balanced and accurate view of Baden-Powell, who like many great men, was not without his flaws."

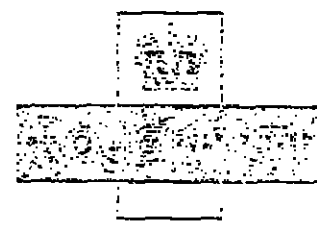
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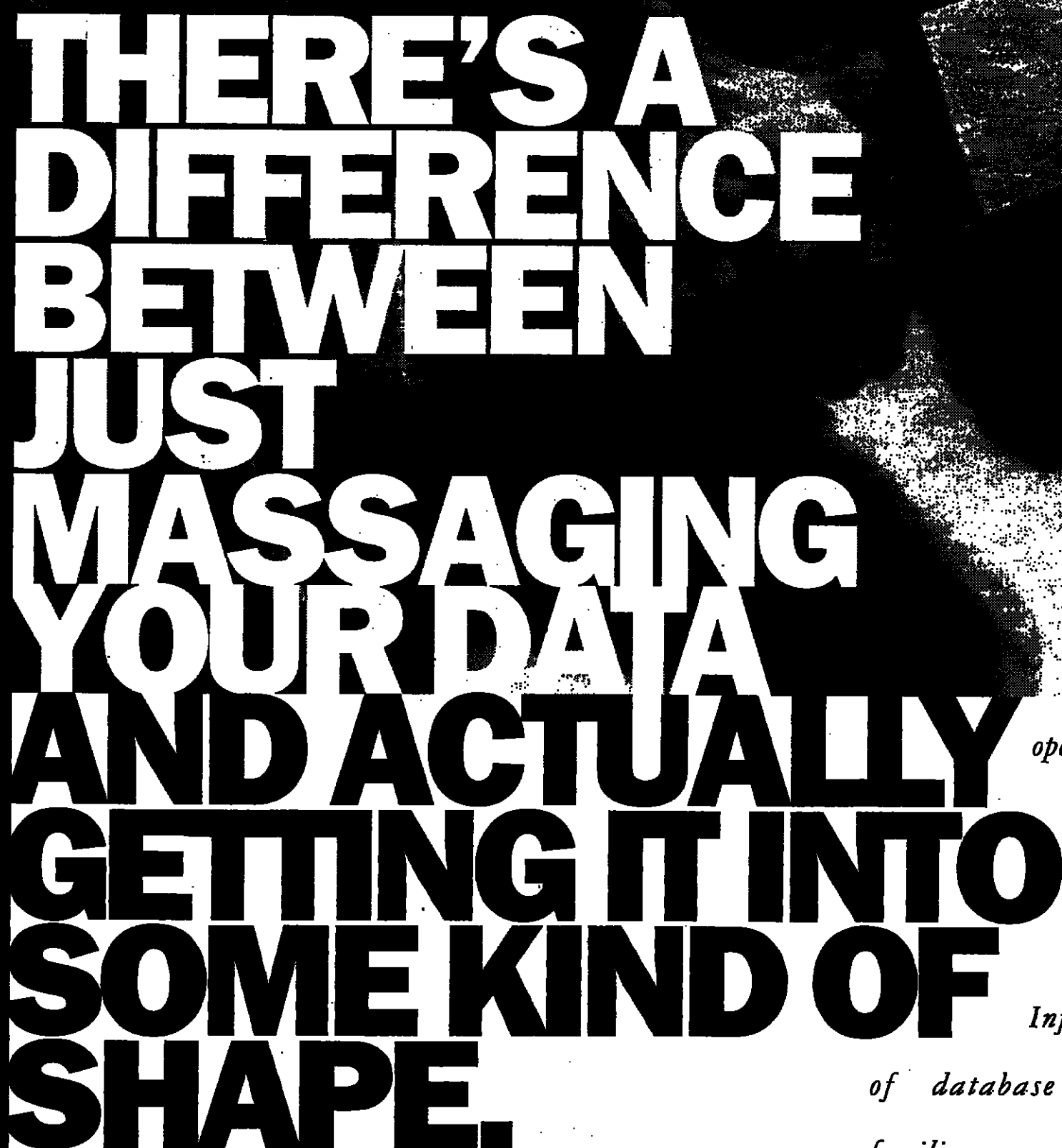
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مأخذاً من الأصل

Patient dons 3in heels

Hip surgery puts Queen Mother back on her feet

BY ALAN HAMILTON AND LEYLA LINTON

QUEEN Elizabeth the Queen Mother looked a different woman as she left hospital yesterday 18 days after an operation to replace her hip.

She had last been seen in public three weeks ago, racked with the pain of arthritis, leaning heavily on two sticks and the arms of supporters, but still unable to bend down fully to plant her poppy in the field of remembrance at Westminster Abbey.

Yesterday morning she emerged from the King Edward VII Hospital for Officers in central London, unsupported except for two sticks which she used to steady herself rather than bear her full weight. She stood unaided to bid farewell to Caroline Cassells, the hospital matron, and to receive a posy of yellow flowers from Fiona Duncan, the nurse who had attended her. Such was her progress that she felt able to wear a pair of black court shoes with three-inch heels.

The Queen Mother negotiated the short flight of steps to the pavement holding the railing with one hand, and steadying herself with one stick in the other. She used both sticks to cross the pavement to her waiting Daimler, but again required no help. Having, at the age of 95, just undergone the trauma of being one of the oldest patients to receive a replacement hip, she looked remarkably cheerful and well, smiling and waving at photographers.

She will receive regular treatment for several weeks at Clarence House from a physiotherapist to ensure complete recovery.

Alan Lettin, vice-president of the Royal College of Surgeons and an authority on joint replacement, said that the Queen Mother should be able to dispense with one, if not both, sticks within three months. Physiotherapy would

involve a programme of gentle exercises to improve her range of movement, although she should already be able to sit down comfortably.

"Now that she is mobile she will be able to strengthen the muscles in her hip area, which will reduce the danger of the joint being displaced. Mobility will also greatly decrease the danger of thrombosis, although the patient will undoubtedly have been receiving anti-coagulant drugs as a precaution," Mr Lettin said. Hip replacement patients usually spent about two weeks in hospital.

"Before the operation, her difficulty in walking would largely have been from the pain of arthritis. That should now have gone, and the pain inflicted by the surgeon's knife should also be fading. I would expect her to be fully recovered in about six weeks."

The Queen Mother has no public engagements on her diary, and is expected to be seen in public next when the Royal Family gathers at Sandringham for Christmas. But despite what appears to be an excellent recovery, she is likely to use a car for the journey to church on Christmas Day.

Even with a completely successful hip replacement she is unlikely to walk far again, but everyday movement should at least be free of the great pain that has troubled her for the past year.

Mobility had become a growing problem for the Queen Mother. On her birthday last year, she bravely endured a 45-minute walk about among the crowds outside Clarence House.

By her 95th birthday this August, she was able to take only a few hesitant steps with the aid of sticks, and quickly resorted to a battery-driven golf buggy. During her Scottish holiday in September she used the buggy.



The Queen Mother leaving the King Edward VII Hospital in good spirits: she smiled and waved at photographers

Sellers promise cash for appeal to keep crowns

BY DALYA ALBERGE, ARTS CORRESPONDENT

THE campaign to save two crowns worn by six monarchs at coronations and state openings of Parliament took an unexpected turn yesterday when the sellers pledged a substantial donation towards the price needed to keep them in Britain.

Heritage groups have until January 24 to find almost £1 million to buy the Imperial State Crown of George I and the Coronation Crown of George IV and return them to the Crown Jewels in the Tower of London, where they were held from 1715 until 1838.

Asprey Antiques, which has a number of collectors in America with cheque-books at the ready, said it will be giving a "substantial" sum. Although the figure was rumoured to be about £100,000, the company emphasised that it has yet to be decided by its board.

In addition, Historic Royal Palaces, which manages the Tower of London and desperately wants to return the treasures to the Crown Jewels, announced that it will contribute £200,000 to a campaign being co-ordinated by the Victoria and Albert Museum.

Historic Royal Palaces is also hoping for a grant from the National Heritage Memorial Fund or a donation from a millionaire philanthropist. Fund trustees will discuss the matter at their next meeting on December 19. A spokeswoman said that they would "consider it in the light they consider all applications—the importance to the national heritage, the level of threat it is under, and the benefit to the public".

Simon Thurley, a curator of Historic Royal Palaces, said it had found the £200,000 from

income generated by commercial activities.

A further pledge of £30,000 was made last week from the National Art Collections Fund, the art charity. David Barrie, its director, said it would be "ludicrous" if the crowns went abroad.

Charles Truman, a director of Asprey Antiques, expressed surprise that a third crown in their possession—the regalia used by Queen Adelaide, wife of William IV, at her coronation in 1831—had been overshadowed. It was also once in the Crown Jewels and its value is put at £435,000.

Richard Edgecombe, the V&A's curator of jewellery, said: "It is by no means a foregone conclusion that the crowns will be saved for Britain. If they go abroad, I believe it will be a great loss for the nation."

He added: "From an art historical point of view, they are fascinating, as they are more fully documented than any other pieces from that era."

Leading article, page 19



Queen Adelaide's coronation crown

Candidate's labels force synod election to be rerun

BY RUTH GLEDHILL
RELIGION CORRESPONDENT

Southwark diocese have lost their seats and must stand again.

An appeal tribunal meeting in Church House, Westminster, heard complaints from four unsuccessful candidates in the recent elections that one candidate, John Smallwood, was given an unfair advantage, it was disclosed yesterday.

Mr Smallwood, a General Synod member since 1970, was "mistakenly

supplied with a set of address labels for the constituency which were denied to other candidates as a matter of policy", according to a Southwark diocese spokesman.

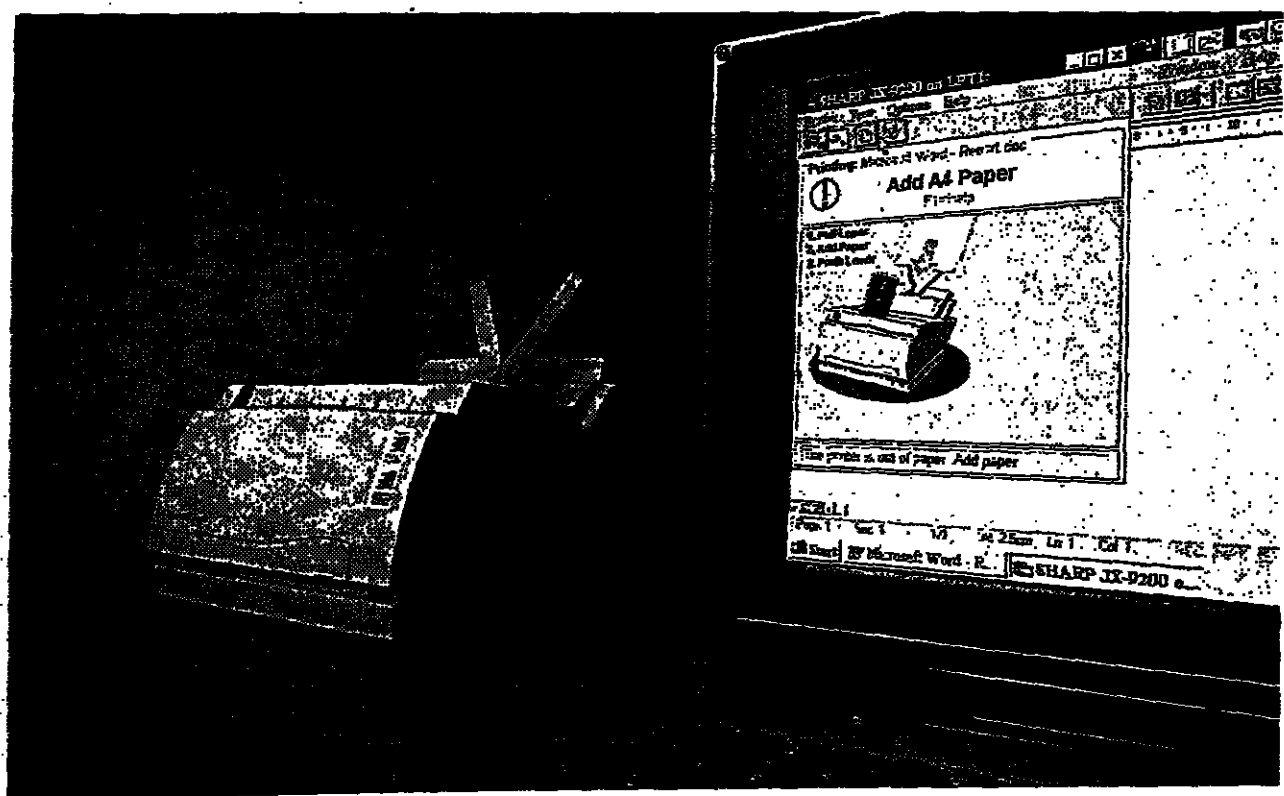
The judgment means that the two lay members who topped the poll in the south London diocese, John Smallwood and Brian McHenry, can no longer stand for election to the standing committee of the General

Synod, the most influential of all the Church's committees. Nominations closed last Friday.

Increasingly, the positions of power and influence in the Church are being taken by the evangelicals. The loss of Mr Smallwood and Mr McHenry, both leading liberals, from the standing committee will mean the balance swinging further to the evangelical wing. Mr McHenry

had earlier failed to be elected as vice-chairman of the house of laity, being defeated by Dr Philip Giddings, an evangelical.

In her judgment Sheila Cameron, QC, the tribunal chairman, exonerated Mr Smallwood and said no breach of the electoral rules had occurred but that because of the inadvertent supply of address labels a fresh election must be held.



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Herrera for Men



Carolina Herrera
New York

Old university friend offers to show Labour leader the sights of Merrijig (pop 48)

Australians invite Blair to Christmas away from it all

By ROGER MAYNARD
AND JAMES LANDALE

TONY BLAIR is planning to spend his Christmas holidays thousands of miles from the British political scene on a small Australian cattle farm. The Labour leader will take his family on a short break in northeast Victoria if a proposed visit to the Far East goes ahead.

His aides said that neither trip was "set in stone", but Mr Blair would visit Australia if the official tour to the Far East took place.

One said: "It is still up in the air. Tony Blair has been working on the possibility of a trip to the Far East in the new year. If that happens, he would go to Australia first with his family. If the Far East trip doesn't happen, the Australia trip doesn't happen."

The man who will be entertaining Mr Blair, his wife Cherie and their three children, Evan, Nicholas and Kathryn, for Christmas knows exactly what his old mate wants — "a rest". Peter Thom-



son is an Anglican priest who knew the Opposition leader when they were students at Oxford and has invited him to stay on his 160-acre farm. The word from deepest Merrijig (population 48 at the last count) is not to expect anything special. "We'll just have a bit of fun and go walking in the hills," said Mr Thomson, the 59-year-old former head of Timbertops, the country school where the Prince of Wales studied.

Mr Blair met Mr Thomson at Oxford University in the early 1970s, where the Australian was a mature student

studying theology at St John's. Mr Thomson was the centre of a group of friends, including Mr Blair, who discussed left-wing politics and religion late into the night and was an influence on the future Labour leader's political thinking.

Speaking from his rural hideaway last night, the vicar-cum-rancher, who has kept in regular contact with Mr Blair since Oxford, said it would be a traditional Aussie Christmas, including midnight mass at the local church, a cold lunch, muck-up cricket and tennis for the children.

"We always have a Christmas lunch but not roast turkey," he said. "My wife Helen wants a more informal do, so it'll probably be cold depending on what the day's like."

As temperatures usually nudge the nineties in late December, there will be a pressing need to keep cool. Mr Thomson said: "We haven't got a pool but we do have a fairly substantial dam."

He was sure the children would love it. "We'll have a ball," he said. "The Blair's will share the Thomsons' weatherboard house and studio. It's a big farm and we've got plenty of bedrooms." Mr Thomson said, "But we have five grown-up kids and they'll all be around for the Christmas period, so we'll have a full house."

Interviewed on *Newsnight* last year, Mr Thomson said of Mr Blair: "I was an old retard who had arrived from



The Rev Peter Thomson on the cattle farm in Victoria where the Blairs are hoping to stay over Christmas. "We'll have a ball," he predicted

Australia trying to become respectable. He was young, full of life, a person who had this *jolie de vivre*. He'd a keen intellect and a sense of compassion for other people. And we used to have these marvelous discussions that would go on for hours — you know, cigarettes and coffee, and we'd get into religion and politics."

Mr Thomson had an equal influence on Mr Blair's sporting development: he taught him how to play tennis.

"He hadn't played all that much, but in fact became quite

good very quickly," he says in *Tony Blair*, the recent biography by John Rentoul. "He got quite good. But competitive! He wanted to win every point. But he was great, it showed the kind of dogged determination that the bloke's got."

For Mr Blair, the trip would rekindle a lengthy love affair he has had with Australia since he spent three years there as a young boy when his father got a job as a law lecturer at Adelaide University. "He has a bit of history with the place," an aide said.

Thousands join festive exodus

TONY BLAIR will be among almost 100,000 Britons making the journey to Australia in the next few weeks (Harvey Elliott writes).

The number went up by more than 10 per cent last year and Australian tourism officials are confident that this Christmas will see a bigger increase.

Last year 375,000 Britons visited Australia, of which

83,000 flew in during December and January. Half were visiting friends and relations.

The Australian Tourist Commission said: "Britain is our most important market and visitors are more or less evenly distributed throughout the country. They, and Tony Blair, will find that we are changing fast and, from being a society whose Christmas festivities revolve

around traditional roast turkey, we are now far more likely to have lobster and oysters on Christmas Day."

Christmas flights to Australia are so popular that airlines can charge premium fares on the 10,000-mile route, with the average Apex return to Sydney costing £1,000. The cheapest business-class fare is £1,300. Most flights are now fully booked.

Anti-asthma carpets lock in danger dust

By NICK NUTTALL

BRITISH scientists have developed anti-asthma carpets in an attempt to reduce the levels of household pollutants linked with wheezing and other breathing problems.

Researchers at Southampton are testing plastic fibres that attract dust and particles produced by house dust mites and lock them into the carpet. Particles in the faces of the mite are thought to play a

key role in the sharp increase in childhood asthma since the Second World War. About one child in seven is thought to become sensitive to allergies within the first year of life. The mites thrive in the warm conditions produced in well-insulated homes.

The anti-asthma carpets, which contain a backing of electrically charged plastic fibres, have been developed by a team led by Professor John Hughes at the electrical engineering department at Southampton

University. "We are trying to stop dust becoming airborne and to make sure that, even if an infant stuffs his face into the carpet pile, he is not going to inhale the particles that carry the allergens," he said. The carpets could be cleaned using domestic versions of industrial wet-cleaning systems or even thrown away once they become full of dust.

Laboratory tests on the carpets have been encouraging and trials in the homes of asthmatics are being planned.

Telephone caller not Pervert Pete

A former policeman was convicted yesterday of making obscene phone calls. Anthony Cooper, 43, had said that his body had been inhabited by the spirit of a 19th-century pervert.

But magistrates in Hemel Hempstead, Hertfordshire, rejected claims that he was subjected to "spirit attack" by Peter the Pervert.

Cooper, of Leighton Buzzard, had denied impersonating a police officer and making the calls while employed as a supermarket security chief. Sentence was adjourned for reports.

£1.7m award

A High Court judge awarded eight-year-old Elizabeth Helliwell £1.7 million after the West London Hammer-smith and Queen Charlotte's Hospital Special Health Authority admitted negligence in its care of her mother when she was in labour. Elizabeth, of Hounslow, west London, has cerebral palsy.

Called to account

Banks should take responsibility for their mistakes and stop blaming computers for errors, the National Consumer Council said. Computers were only as good as those who programmed them. Too many banks had lost the personal touch and too often gave rich customers preferential treatment, it said.

Asylum refused

Abiodun Igbidun, 26, is to be sent back to Nigeria on Saturday in spite of fears for his life because of his opposition to the military regime. The Home Office and a special adjudicator have rejected his appeal for asylum. He has been detained since his arrival in Britain in June.

Clean break

A man who split up from his partner earlier this year after 16 years, but continued to live in the same council house in Jump, South Yorkshire, has stripped it of his possessions. Colin Bailey, 39, left Sheila Hattersley, 51, with a deck chair. "He even took the washing-up bowl," she said.

Dozens held at violent protest over quarry plan

By NICK NUTTALL
ENVIRONMENT
CORRESPONDENT

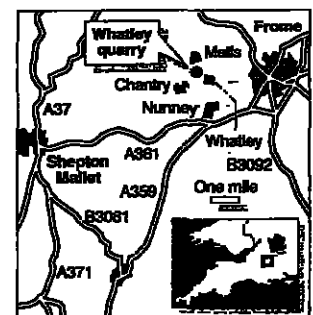
FIFTY people were arrested yesterday during a violent protest against plans to extend a quarry. They were among 80 who got into the quarry — which provides stone for roadbuilding — causing up to £25,000 damage to cables and equipment.

They were arrested for aggravated trespass at the ARC site at Whatley, Somerset, after refusing to leave the quarry. Avon and Somerset Constabulary said. They were protesting about a 35-hectare extension to the quarry from its present 50 hectares.

The demonstrators were said to have gathered from Salisbury Hill and Twyford Down. Others were from Germany and Denmark and are believed to have included members of Earth First and the Green party. They were also protesting at links between the quarry and roadbuilding.

More than 120 others demonstrated outside the quarry with banners but caused no problems, police said. The quarrying operation will be held up for two or three days, at a cost of about £100,000 to the firm.

The protest at the quarry, one of Europe's largest, began at 6am yesterday. By lunchtime 25 people had been arrested under the Criminal



quarrying might damage springs feeding local supplies and the famous Bath hot springs.

Ms de Viggiani said the militant environmentalists' actions raised the profile of Whatley. "They are colourful. The rest of us are plodding away in the background. This action adds a new dimension."

She said that, apart from the damage to the landscape and springs, the quarry extension would block a medieval road and a lifeline for postal services between the villages of Mells and Chantry.

David Weeks, of ARC, said the demonstration was unfair and failed to take into account the environmental safeguards enshrined in the new plan. He said the company had secured the approval of the National Rivers Authority.

"We have set new environmental standards for the quarrying industry but the demonstrators have gone over the top."

He said preliminary estimates indicated that more than £50,000 damage had been done to equipment including electronics control panels for processing stone.

"We supply the south of England from Devon to Kent," Mr Weeks said. "Without the extension we will run out of stone in 18 months and some of the jobs, including the 100 people who work here and the 200 contractor jobs, will have to go."



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Times Christmas Appeal: a mother's story

When shock and despair turned to hope overnight

By JOHN YOUNG

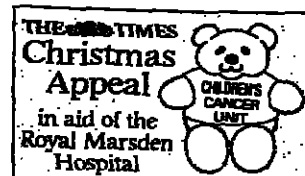
ALAN GRIGGS, a fisherman, lives in the Cinque Port of Hythe, Kent. His wife Rachel is a dental nurse and they have been married for ten years. On August 17 their only child was diagnosed as suffering from acute leukaemia.

Beau, aged five, had been troubled by throat and ear infections for six or seven months. "When he developed a very sore throat we took him to our local GP because we thought it might be glandular fever," Mrs Griggs recalls. He sent us to the William Harvey Hospital in Ashford, where we were told he had leukaemia.

"It was such a terrible shock. I had thought about the possibility of diabetes because his uncle is diabetic. But the thought of cancer had just never crossed my mind."

For the last 15 weeks Mrs Griggs, 33, has lived night and day at the Children's Cancer Unit of the Royal Marsden Hospital in Sutton, south London. Her husband, 49, has also given up his job, which would normally take him to sea for days at a time, and visits his wife and son about three times a week.

She never dared to expect to



stay so long. Neither she nor her husband knew anything about leukaemia. "Our first reaction was that we were going to lose our son," she says. "We thought we would just bring him here, hand him over and that would be that. We would never see him again."

But when they arrived, they were told that the disease was curable and that about half of all children affected could expect to get well. Better still was to come the next day when they were advised that the initial diagnosis was favourable and that Beau could expect to be one of the lucky ones. Within 24 hours shock and despair had turned to hope, almost elation.

"We realised that there were still weeks and months ahead and we thought, hang on, we're not going to lose him overnight," Mrs Griggs says.

She was also surprised and relieved to discover that she would be able to stay with her

son, and delighted by the informal family atmosphere. She remembers going to hospital when she was a child of 12, when visiting hours were limited and a strict hospital regime imposed.

"This is all so different," she says. "The facilities are amazing. Nothing seems to be too much trouble for the staff, and the doctors and nurses are truthful, don't try to hide anything and are very supportive."

Since the September term started, Beau has been attending regular school lessons in the clinic every day from 9am to 3.30pm, with an hour's break for lunch, most of which he appears to spend playing computer games. His mother admits that time tends to drag during the day, but she has kept herself busy making toy animals to sell to raise funds for the appeal.

Beau finished his course of chemotherapy two weeks ago and, subject to tests, should be able to return home this week. He has already been home

briefly, but he developed a temperature and his parents asked the hospital to take him back for observation. Far from being dismayed, he was thrilled at the prospect. "He couldn't have been happier if he was going to Disneyland," his mother says.

But Mrs Griggs is conscious that the future remains uncertain. The steep drop in income since both she and her husband gave up work has been a worry, she admits. "But we try not to think about it. So long as Beau gets better, we can muddle through. Money is something you put to the back of your mind."

She cannot have another child, but says she would not choose to do so even if she could. "It's not so much fear of the same thing happening again; that would be very rare. But if Beau did relapse, how could we cope with him here and one at home?"

She smiles, as she has all through our talk. "I've decided to be very positive and not to think any negative thoughts."



Beau Griggs and his mother Rachel, who has lived at the unit for 15 weeks

Recluse in beach hut had £8,000 savings

By A STAFF REPORTER

A RECLUSE aged 68 who died in a tiny seaside hut where he had lived for 26 years was found to have about £8,000 in savings.

John Hitch's body was not found until three weeks after he was last seen alive. Police were alerted by the owners of a petrol station where he shopped.

PC Mike Batten, who found the body in the 6ft by 8ft hut on Hayling Island, Hampshire, said: "We couldn't get inside because the hut was full of his belongings. We had to ask the fire brigade to cut their way in and take everything out. He had crawled under a shelf and was in a foetal position."

Paul and Margo Sonntag alerted police after Mr Hitch was not seen for a few days. He was a regular customer until his eyesight failed, after which they took him food.

"He was an intelligent chap, not a tramp, and he actually ate quite well," Mr Sonntag said. "He just chose to live like a hermit because he liked to be alone."

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Gold tycoon leads Highland search

By ROBIN YOUNG

THE mining tycoon who is to open Scotland's first gold mine has returned to his native Highlands from Canada to search for more sites.

Dennis MacLeod, 55, first panned for gold as a 10-year-old near his council home in Sutherland. He has returned as head of a mining empire worth £100 million. His new home will be Scarwell House, Strathconon, a mansion set in 20 acres among the mountains of Ross-shire.

Mr MacLeod's Canadian-based Caledonia Mining Company expects to start drilling at Cononish, near Tyndrum, early next year. The first gold is expected to be produced in 1997.

Mr MacLeod said yesterday that the mine, with adjoining goldsmiths' workshops producing medals and coins, should create about 50 jobs. He also said his company, which operates in 13 countries, would start running its European operations from an office in Inverness, to which executives are being transferred from London.

It is 30 years since Mr MacLeod, a war widow's son, left the east coast fishing village of Helmsdale to seek his fortune in the mines of



MacLeod: panned for gold as a schoolboy

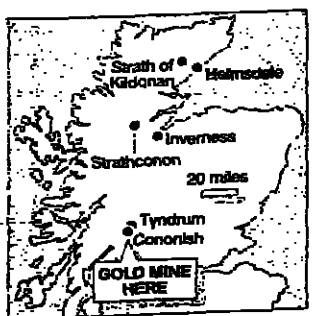
Africa. He made his name in South Africa when he invented a way of recovering gold from the discarded material left in spoil heaps.

As chairman of a company with 1,000 employees, Mr MacLeod is now known as Scotland's "Goldfinger". Caledonia operates two gold-mines in South Africa and a third in Spain and has interests in diamonds, copper and marble elsewhere.

In Scotland the company is hunting for gold in the Strath of Kildonan, just a few miles from Helmsdale, where as a schoolboy Mr MacLeod first caught the gold bug, panning with his uncle in a burn.

One of Mr MacLeod's ancestors sparked Britain's only gold rush in the Strath of Kildonan when he drew more than a thousand hopeful prospectors to the area in 1869.

Mr MacLeod said that he intended to lead a systematic search for minerals and islands, investing several million pounds in coming years. Many areas had not been explored using modern techniques, he said.



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Tax vote will test new Labour's support among party's old guard

A revealing test of the depth of "new" Labour will come tonight in the Commons at the end of the Budget debate. Although Labour will oppose the overall Budget resolution and the Government motion on public spending, the leadership has decided not to vote against the main tax-cutting proposals, including the 1p off the basic rate of income tax. This is in order to escape the Tory trap of portraying Labour as the "tax and spend" party, the label which has dogged it for so long.

But how many Labour MPs will rebel against the Shadow Cabinet

line and vote with the Liberal Democrats against the 1p cut? In the past, it has been regarded as virtually a free vote to oppose the Government on such occasions. Such votes, it has been argued, do not have any real impact and anyway involve opposing the Tories. But it is not as simple as that. The vote is a symbol of Gordon Brown's lengthy campaign to shift Labour onto less exposed ground on this central issue.

Labour MPs are the party's most unreconstructed "old" section — certainly by comparison with its rapidly growing individual mem-



bership (now up to 375,000). The parliamentary party is where Blairism has taken least hold — in part because most MPs were picked in the days when "old" Labour prevailed, and many come from the traditional Scottish, Welsh and nationalist bastions of the party. This was reflected in the Shadow Cabinet elections six weeks ago when several mediocre "old" Labour figures were re-elected, while a number of the brightest modernisers failed to

advance. Outright opposition to Blairism is probably limited to the 30 odd in the Campaign Group, a few veteran opponents of the European Union and some younger critics of Mr Brown's economic policies. But a good many more MPs, particularly from before the 1979 entry, are fair-weather supporters of Mr Blair. They acquiesce in his policies because they think he can lead them to electoral victory. But they have never been Blairite believers.

The vote will also be a test of the new Labour whip's office. The ousting of the old guard and the installation of Donald Dewar as

Chief Whip were intended both to tighten discipline and to create a sharper political operation. For a long time, really since the early 1980s, Labour MPs have never had to take responsibility for their votes.

They have been able to indulge their personal prejudices and keep their constituency parties content. They have not had to defend tough and unpopular stances. But that will be inescapable if Labour wins the next election. Its MPs will have to vote for tight public spending plans, disappointing the hopes of their supporters for a lot more money for hospitals and schools.

They will also have to back their government in resisting demands by public sector unions for big increases in wages.

In many respects, the real test of Labour in office will not just be how its almost totally inexperienced new ministers perform but whether they receive support from their backbenchers. The forces of "new" Labour should be strengthened by a big influx of new MPs, both in seats already held by the party and in the marginals which Labour would have to win to take office. Party leaders reckon that the vast majority of candidates in winnable seats are

modernisers, 90 per cent according to one authoritative estimate. But there will still be a large number of MPs with "old" Labour instincts with no real commitment to Blairism.

Consequently, tonight's vote will be further evidence of how serious Labour backbenchers — as well as the leadership — are about tax and spending. The signs are that only a predictable handful of the hard-left will vote against the income tax cut. Most recognise the political realities: that the days of self-indulgence are over.

PETER RIDDELL

Dorrell strives to save £300m on NHS bureaucracy

By NICHOLAS WOOD, CHIEF POLITICAL CORRESPONDENT

STEPHEN DORRELL will order a £130 million cut in health service bureaucracy today as part of his efforts to reverse the managerial expansion brought about by the 1991 reforms.

The Health Secretary will announce a £40 million reduction in health authority running costs next year plus savings of nearly £100 million from a 5 per cent squeeze on management costs in trust hospitals. In addition, abolition from April of regional health authorities and the creation of 100 new all-purpose health authorities by merging 105 districts and 90 family health service bodies should save another £170 million, bringing the total cuts to £300 million.

Hundreds of well-paid white-collar jobs are at risk from the move, which follows an embarrassing Cabinet dispute two years ago about the numbers of "men in grey suits". Labour claims that the number of NHS managers has soared fortyfold since 1986.

But Mr Dorrell said in an article in yesterday's *Evening Standard* that it was not the Government's way to promise "illusory security". Everyone had to "make a full-blooded commitment to a process of constant and quickening change".

Mr Dorrell will pledge to

day that all the money released by cutting administrative posts will be ploughed back into patient care. The £300 million should go a long way towards hitting Mr Dorrell's ambitious efficiency savings target of £650 million in 1996-97 — 3 per cent of the hospital and community health services budget.

Other savings should come from reducing overheads, such as fuel, telephone calls, stationery and office equipment, and from holding more day surgery and making more efficient use of theatre time.

The Health Secretary's move is a reminder of the embarrassing spat between Virginia Bottomley, his predecessor, and John Redwood, when he was Welsh Secretary. Mr Redwood had to apologise

to Mrs Bottomley after suggesting that the NHS reforms had spawned new layers of bureaucracy.

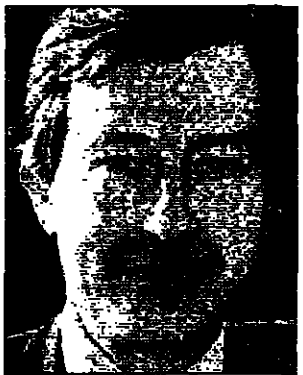
He said then: "The search for economies should start in among the grey suits and not in the wards." But ministers have since been persuaded of the case for cuts and Mrs Bottomley pushed through the abolition of regions and the mergers of other health authorities.

Yesterday Labour was scathing about the Government's record on cutting administrative waste. Harriet Harman, the Shadow Health Secretary, said: "It is the Tories themselves who created the bureaucracy that they are now pretending to attack."

Official figures showed that the number of general and senior managers in the health service had rocketed from 500 in 1986 to 20,000 in 1993, she said. But the number of nurses and midwives had fallen by 36,000 over the same period.

Official figures also showed an increase in spending on health authority administration from £416 million in 1984-85 to £1,069 million in 1993-94 — an increase of 61 per cent.

Ms Harman said that other government policies — expanding GP fundholding, local pay bargaining and using private money to build hospitals — would add to administrative costs.



Dorrell: says savings will fund patient care



John Major was joined by Frank Bruno and pupils from the boxer's former school at the Charter Mark ceremony yesterday. Swaffield Primary School, in Wandsworth, southwest London, was among 224 winners of the award, which is

Bruno's school a winner

given in recognition of service quality. Mr Major made the presentation at the Queen Elizabeth II Conference Centre in Westminster, which was among organisations

whose Charter Marks were not renewed. He called for a balance of citizens' rights and responsibilities, saying: "It's a two-way street. Consumers must take responsibility as

well. Patients shouldn't call out a GP unless it really is an emergency. Ambulances should not be used as taxis." The ceremony more than doubled the total number of Charter Mark holders to 414. Members of the public nominated 80 of the winners.

MP's Bill aims to curb treasure exports

By ARTHUR LEATHLEY
POLITICAL CORRESPONDENT

TIGHTER laws are likely to be introduced next year in an effort to curb the export of ancient artefacts unearthed by treasure seekers.

About two million items are found each year. Under common law dating back to medieval times, only those made mainly of silver and gold and buried deliberately

for retrieval can be classed as treasure trove and bought back by the Crown. Thousands of other discoveries remain undeclared and many are sold abroad.

New laws will give the State first option to buy back treasure for safekeeping in museums and galleries. A Private Member's Bill, which has government backing, will widen the definition of objects that can be retained by the State and create a new offence of failing to

declare the discovery of hidden treasure. Items that date back more than 300 years, or that have a 5 per cent silver or gold content, will have to be reported. Failure to do so within 14 days could attract a £5,000 fine or three-month prison sentence.

The Tory MP who is presenting the Bill, Sir Anthony Grant, said that the failings of the present laws had led to the loss to the nation of many invaluable artefacts.

IN PARLIAMENT

YESTERDAY in the Commons: questions to Welsh ministers followed by day four of Budget debates, on the NHS, the Local Government (Amendment) (Scotland) Bill, the Dangerous Dogs (Amendment) Bill, second reading.

TODAY in the Commons: questions to Health ministers and the Prime Minister; final day of Budget debates, in the Lords: debate on medical research and the NHS reforms followed by debate on probation officers' training.

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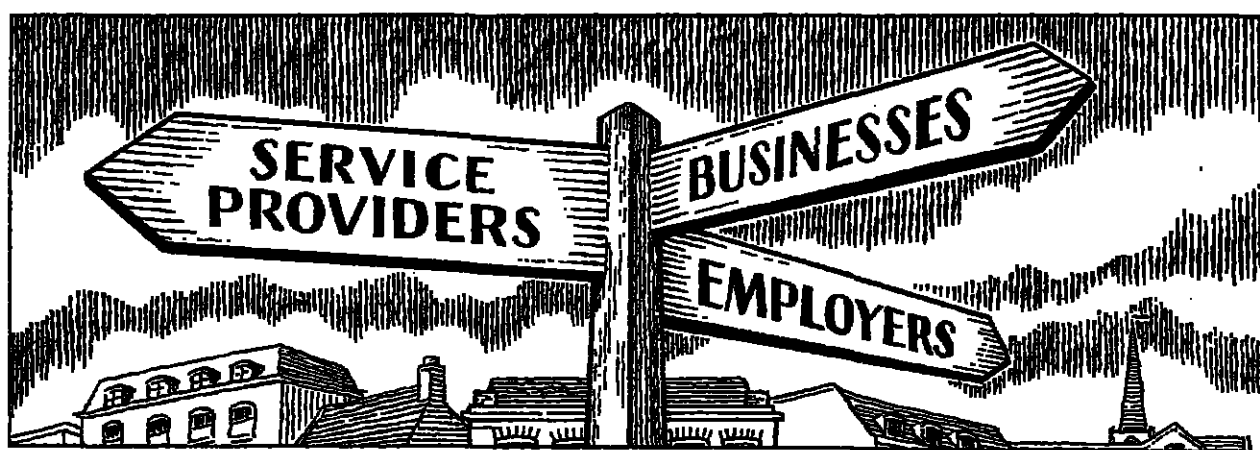
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TMS H 49/0

Rebel leader rejects Moscow offer of autonomy within Russia

Bomb kills 11 at Chechen government headquarters

FROM ANATOL LIEVEN IN GROZNY

HOURS after General Dzhokhar Dudayev, the Chechen separatist leader, yesterday pledged to seek non-violent solutions to his country's problems, a car bomb killed up to 11 people at the headquarters of the Moscow-installed Government.

The explosion came as the separatists finalised plans to oppose the Russian-arranged presidential elections on December 17 and constitutional amendments being proposed by the Kremlin. No one has

claimed responsibility for the bomb, but most observers assume it was the work of separatist forces.

On Sunday, Shamil Basayev, a senior rebel commander, promised to wreck the elections by force if necessary. He called them a Russian plot to start a civil war so that Moscow could then pretend to be not an aggressor against

Chenchenia, but a neutral party trying to bring peace.

Mr Basayev repeated threats to carry out attacks in Russia, and even to blow up Russian nuclear power stations. The warning may seem wild, but Mr Basayev is a man to be taken seriously. Last May, he led the daring and ruthless raid on the Russian town of Budennovsk in which hundreds of Russian civilians were taken hostage and the Government in Moscow was badly shaken.

General Dudayev told Western journalists at a secret rendezvous at the foothills of the Caucasus that he categorically rejected Moscow's proposal for an autonomous Chechen republic within Russia, along the lines accepted by Tartarstan.

"We are unique, remember that," General Dudayev said. "No Tartar or Bashkir variant will do for us. Our genetic code dictates that we should live only according to our own will, not as part of any other state."

General Dudayev was savage in his references to the two candidates in the planned Chechen elections. Dokku Zavgayev, the head of the Russian-installed administration, and Ruslan Khasbulatov, the former Russian parliamentary Speaker. He called them "traitors" and "scum"



The aftermath of the explosion, believed to be the work of separatists, that killed 11 people in Grozny yesterday

and ruled out any talks with them. The separatist leader said that there could be no question of new elections, because of the Russian military occupation and because "Chechens irrevocably and finally voted for their president four years ago".

The general was speaking at an isolated farmhouse in western Chechenia, the latest in a long series of refuges occupied by the separatist leader since he left Grozny after the Russian attack last December.

His guards took us to see him by a long and difficult route, down muddy tracks, over hills, through orchards and across a riverbed, driving

without lights so as not to attract the attention of the nearby Russian forces.

Three times our cars became bogged down and had to be dragged from the mud, while Russian flares fell slowly in the distance. When we arrived at his hideout, General Dudayev was sitting in the dimly-lit living room of the farmhouse, with a Chechen flag in one corner of the room. One table had been put on top of another to create a more official looking desk on which sat a bulging cardboard file.

To anyone not accustomed to General Dudayev's style, some of his words might have

seemed those of a man near the end of his tether.

He devoted much of the interview to a tirade against the West, during which he called the Organisation of Security and Co-operation in Europe, which has been trying to mediate in the Chechen war, "slaves", and "Russian accomplices".

He said that his administration had drawn up legal charges against Boutros Boutros Ghali, the United Nations Secretary-General, for "assisting Russia in its crimes", and would soon bring him to court.

At other moments, however, the general struck a more

moderate line than many of his supporters, emphasising that he still has hopes of negotiating with Viktor Chernomyrdin, the Russian Prime Minister.

He was evasive on the question of whether his forces should carry out terrorist attacks, in Chechenia or Russia, to stop the elections and force a Russian withdrawal.

At one point he renounced terrorism and said that during the elections Chechens should "sit at home, drink tea, and pray". At another point he said that his forces would go on fighting for full independence, even if the "whole world goes up in flames".

Rumbles raise fear of Fuji eruption

FROM PIERRE HODSON IN TOKYO

MOUNT FUJI, one of the most evocative symbols of Japan, may be building towards a big volcanic eruption, scientists say.

A research institute in Tsukuba, northeast of Tokyo, noticed preliminary signs on October 1, when a seismometer registered an earthquake measuring 2.0 on the Richter scale, ten miles underground, just north of Mount Fuji.

Most earthquakes generate vibrations ten to 20 times a second, but the seismometer showed the oscillations of a low-frequency earthquake — about once or twice a second. Such low frequencies are a sign of subterranean magma flows.

According to seismologists, the Tokai region near Mount Fuji could be shaken by an earthquake at any time. If so, it could trigger a volcanic eruption.

Japan is formed by the intersection of four tectonic plates, which cause the country's frequent earthquake and volcanic activity. Despite its symmetrical appearance, the sacred mountain is actually a composite of three separate volcanoes, and achieved its conical shape comparatively recently.

Some historians believe the carefully raked mounds of sand in Zen gardens commemorate the formation of Mount Fuji, which happened in recorded history. Before that, the mountain was just another volcano.

One of the few surviving words of the Ainu people, who lived in the country before the Japanese arrived, is *fuji*, meaning the mountain of fire. The volcano has erupted every 300 or 400 years.



Foster: target for obsessives

Internet murder threats to actress

FROM QUENTIN LETTS IN NEW YORK

AMERICAN investigators began a hunt yesterday for a computer user who published death threats against Jodie Foster, the actress, on the Internet.

The messages, which detailed sexual and murderous fantasies about Miss Foster, coincided with a growing realisation that it is hard to police the Internet and a fear that the medium may be an uncontrollable monster.

The threats were placed on an Internet "chat room" page. The page's Los Angeles-based "site operator" erased the messages as soon as they were discovered, but it may prove impossible to trace the author. Copies of the messages were sent to the FBI.

Miss Foster was the unwitting inspiration for John Hindley, whose obsession about the actress drove him to a 1981 attempt to assassinate President Reagan.

Pressure groups have criticised the Internet for the free parking it provides for all manner of lunatics, conspiracy theorists and pornographers. On-line behaviour, or "Netiquette", is regularly poor, and the rules of libel are flouted. A group of Internet providers has just accepted limited restrictions on bad language and obscenity in the hope that it will fend off harsher legislation.

Some libertarians argue that proposed safeguards against "cyber-porn" are technologically naive. Devices suggested to prevent family computers from receiving obscene material are often beyond the comprehension of parents, while to computer-literate children can bypass them with a flick of the wrist.

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Survey finds bank errors still 'unacceptably high'

GORDON MILNE

BANKS are making fewer mistakes — but a quarter of customers still find errors in their current account, according to a

Bank of Scotland, Midland and Lloyds ranked only average in terms of customer satisfaction, with Clydesdale below average, Barclays and NatWest were bottom of the table.

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Simpson prosecutor signs \$1m film deal

FROM GILES WHITTELL IN LOS ANGELES

THE moodiest of all the lawyers in the O.J. Simpson trial has become the first to strike a movie deal. Christopher Darden, the black District Attorney whose lugubrious manner often dominated the court, signed the deal, potentially worth \$1 million (£650,000), with the producer of *Forrest Gump*.

Mr Darden will co-write and co-produce a film about his life and his role in the trial, the Hollywood trade paper *Daily Variety* reported. It will be financed by Steve Tisch, who won a "Best Film" Oscar last March.

Criticised for allowing Mr Simpson to pull on a bloody

glove that seemed not to fit, Mr Darden, 39, has since signed a book contract worth \$1.3 million with HarperCollins and joined the celebrity lecture circuit.

Mr Tisch said he was fascinated by "Darden's life and who he is, before and after the trial", apparently a reference to turmoil the lawyer is said to have suffered prosecuting his boyhood hero.

Not the least cinematic aspect of his story has been a tabloid frenzy over rumours of an affair with Marcia Clark, his fellow prosecutor, although Ms Clark has tried to scotch the rumours as "ridiculous".

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Right-wing Israeli soldier charged over Rabin plot

FROM CHRISTOPHER WALKER IN JERUSALEM

A SERGEANT in Israel's Golan infantry brigade yesterday became the first person to be charged in connection with the plot to assassinate Yitzhak Rabin and disrupt the peace process by attacking Palestinian targets.

First Sergeant Arik Schwarz, a religious Jew with right-wing views, was charged in a Haifa military court with smuggling weapons from his base and giving them to Mr Rabin's self-confessed assassin, Yigal Amir, 25, and his brother, Hagai, over the past year. Yigal is a former Golan member.

The seven charges did not link Sgt Schwarz directly to the Prime Minister's murder on November 4. Instead, they related to a sub-plot to kill Arabs, which police believe was part of the overall plan to sabotage the 1993 peace deal between Israel and the Palestinians.

The military prosecutor told the court that last year Sgt Schwarz gave the Amir brothers explosives, detonators, bullets and fuses, which he knew would be used in anti-Arab attacks. The indictment also charged that he hid hundreds of handgun bullets, a Uzi sub-machinegun, and ammunition for a sniper rifle at his home. It alleged that the cache had been moved to a friend's house hours after Rabin was shot.

The charges revealed the extent of the suspected plot, as large quantities of weaponry were found at the Amir family home in a seaside suburb of Tel Aviv.

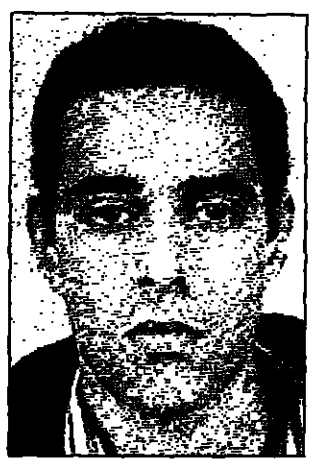
The linking of the assassination plot to one of the most

highly regarded units in the Israeli forces came as a further shock to the public in a country where the army is an almost sacred institution. Israelis were already struggling to digest the fact that Rabin, an Israeli war hero, was killed by another Jew who is totally unrepentant.

Less than 24 hours before yesterday's hearing, Mr Amir told a judge he had information "that would turn the country upside down" and alleged that one of the Prime Minister's bodyguards was also involved in the plot.

His claim that the killing of one of Rabin's bodyguards had been officially covered up followed rumours swirling through Israeli political circles that one of the guards who failed to protect Rabin had committed suicide. A government spokesman dismissed both claims as "nonsense".

Mr Amir, who is expected to be charged later this week,



Amir: put new life into conspiracy theories

with his elder brother and a friend, instilled new life into conspiracy theories when he boasted about carrying secrets "that will destroy everything". He has asked to defend himself at his trial.

Reversing an early claim to have acted alone, which was never believed by the public, Mr Amir yelled at Israeli reporters: "Why don't you publicise that they [the Government] killed one of Rabin's bodyguards? The one who shouted 'The bullets are dummies'."

Witnesses to the state inquiry have confirmed that someone shouted that the two bullets which hit Rabin were fake. This has been taken as evidence that in some way the Shin Bet security service was involved in the killing—either in an attempt to wreck peace or to discredit Israeli rightwingers.

Meanwhile, life for right-wing Jews has grown more difficult in an atmosphere depicted by some Jewish settlers as a "witch hunt".

Yesterday Israel radio reported that a barber in the smart Jerusalem district of Rehavia had been arrested after it was reported to police that he had praised Rabin's killing while talking to one of his clients.

□ **Stopwatch rule:** Shimon Peres, Israel's new Prime Minister, has introduced a chess timer to the Cabinet room to cut the waffle of his ministers. Itm, the Israeli news agency, reported that the stopwatch rings after five minutes, the maximum time now allowed for ministers to put their points of view.

Republican hopes fired by Senate retirements

FROM TOM RHODES IN WASHINGTON

REPUBLICANS are likely to strengthen their hold on the Senate next year after a rash of retirements and with the help of four of the open seats being in the Deep South, an area where conservatives have made their most impressive political gains and President Clinton faces his most negative electorate.

The Republicans are independently predicted to capture two to four seats next year, while some Democratic Party strategists believe that their opponents could increase their holding from 53 to 60 in the 100-member Senate, enough to block any Democratic filibuster on Capitol Hill.

Although two Republican senators, Alan Simpson of Wyoming and Mark Hatfield of Oregon, announced this weekend that they would retire from politics next year, they join only two others from their party.

The Democrats are losing twice that number, including the senior senators Sam Nunn (Georgia), Bill Bradley (New Jersey) and Paul Simon (Illinois). The total of 12 departures, the highest at one time in a century, reflects a deep dissatisfaction with the ways of Washington. Many senators say that they no longer enjoy their role.

As a result, more than half of the 15 Democratic seats up for re-election are open, compared with less than a quarter of the 18 Republican districts. Incumbents are hard to dislodge and a confidential report by the National Republican Senatorial Committee states the figures are "very significant, because in 1994 the open seats enabled us to gain control of the Senate".



The Duchess of York and actor James Earl Jones at a White House ceremony for recipients of Kennedy Centre honours. Those honoured included the dancer Jacques D'Amboise, playwright Neil Simon, singer Marilyn Horne and actor Sidney Poitier

60 killed in Cameroon plane crash

Douala: About 60 of 77 passengers and crew were killed when a Cameroon Boeing 737 crashed into a swamp as it tried to land. Seven people were pulled out alive, among them the pilot and co-pilot.

Cameroon airport officials said the pilot first tried to land then aborted the attempt, apparently because of problems with the undercarriage. A government statement said that the passengers were mostly nationals of Cameroon, Benin and Nigeria but also included a number of Europeans. (Reuters)

Massacre find

Kigali: Twenty bodies, seven of them children, were found at a camp in Rwanda near the Burundian border by United Nations rights monitors investigating a reported massacre, a spokesman said. (AFP)

Rustler rampage

Nairobi: A horde of 4,000 armed rustlers killed at least 18 people and stole tens of thousands of cattle, goats and camels as they swept through three northern Kenyan villages. The Nation said. (AFP)

Barracks blaze

Kabul: A fire that spread from a stove destroyed the Afghan presidential palace barracks, but no injuries were reported, military sources said. President Rabbani was not in the palace at the time. (AFP)

Nuns protest

Seoul: More than 1,000 nuns marched to the Japanese Embassy in South Korea to protest at Tokyo's refusal to apologise formally to women forced to be sex slaves in the Second World War. (Reuters)

Colombo generals prepare to announce Jaffna recapture

FROM CHRISTOPHER THOMAS IN COLOMBO

THE Sri Lankan army expects to declare today that it has recaptured Jaffna city from the Tamil Tiger rebels. There was no gunfire yesterday as troops cleared mines and boobytraps: the last guerrillas appear to have slipped away or died.

The question now is whether the Government can persuade anybody to live there. It is an empty town, except for several hundred who were too old or too stubborn to leave as the army bore down. Most of the Tigers who put up such remarkable resistance for the past two weeks appear to have escaped, leaving behind homemade anti-person-

nel mines that have claimed the feet, legs and lives of scores of government troops.

It is the third time in eight years that the city has changed hands. In 1987, Indian forces wrested control after bombing and shelling that wrecked much of the best architecture, killed many people and taught Tamils to hate Rajiv Gandhi, the late Indian Prime Minister. The 70,000 Indian troops left in 1990 and the Tigers swept back, turning Jaffna into a mini-state with its own police, courts and taxation.

There was no political or military will to stop them, and the rebels effectively partitioned the country. President

Bandaranaike Kumaratunga is a hero to the majority Sinhalese for taking it back, but therein lies the greatest danger of the operation. Tamils see it as a victory over them, and it will widen the ethnic divide. For that reason, Mrs Kumaratunga has suppressed celebration of the victory.

The President's next move will be to persuade thousands of Tamils who left Jaffna under orders from the Tigers to return. She will promise to build new roads, reopen schools and ensure plentiful food. If they do not go back, and there is every possibility most will not, it will turn into a hollow victory.

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Juppé Cabinet in crisis session as strike spreads

Chirac insists reform will go ahead

FROM BEN MACINTYRE
IN PARIS

ALAIN JUPPÉ, the French Prime Minister, convened a crisis meeting of his Cabinet yesterday as strikes spread across the country, obstructing transport, severely disrupting public services and rattling financial markets.

A vote of no confidence in the Government today, tabled by the opposition, is bound to fail, but as the paralysing public-sector strike threatens to spread to private businesses, M Juppé is facing the worst industrial unrest in France since 1968.

The Prime Minister's plan to reform the welfare system through raising taxes and cutting spending has prompted outrage and strike calls from transport workers, doctors, utility company employees, students, postal workers, firemen, tax collectors and many others.

President Chirac insisted that reform of the indebted welfare system should and would go ahead, but financial markets grew jittery as the wave of strikes gathered momentum. The franc rallied after a sharp fall, but stocks and bonds also lost ground.

The Government has made welfare reform the centrepiece of its policy to reduce France's budget deficits in line with criteria for European monetary union. M Juppé has admitted that his Government will collapse if two million workers take to the streets and European diplomats said yesterday that the future of monetary union itself may depend on his ability to ride out the storm.

More workers are joining



Parisians scramble for places yesterday on one of the Seine *bateaux-mouches* tour boats contracted by the Government to keep public transport flowing in the capital in spite of the growing wave of stoppages

the strike every day as the anti-government protest mounts. No trains ran in France for the twelfth day. The Paris Metro and public bus services in the capital also remained at a standstill.

The Force Ouvrière union called on heavy goods vehicle drivers to join the protest yesterday, and taxi drivers are expected to join the protest today in answer to a call for a "day of action" from the Communist-led CGT. Striking postal workers have shut down most sorting offices and more than 150 post offices were closed or disrupted across the country.

Electricity production has been halved as employees stop work in growing numbers, while seven of France's 21 nuclear power plants are now on strike. Staff at Paris airports began striking yesterday and cabin crews on Air France and the domestic carrier, Air

Inter, will stage a 24-hour stoppage on Thursday. Public-sector unions have called for strikes starting today which will affect tax collection, the treasury and customs. Fire brigades in nine cities will provide only a minimum service, while teachers, museum staff and hospital workers have also rejected the reform package.

Unions at the Bank of France have already voted to stop work on Thursday and Friday, and unions at private banks were voting last night on whether to follow suit.

Sensing victory, Force Ouvrière and the CGT have urged both public and private-sector workers to strike, and now say they will not negotiate until the entire Juppé reform plan is scrapped. "Now is the time, because today we are strong," Louis Vianet, the CGT leader, said.

President Chirac said he

was constantly monitoring the situation from Benin, where he was attending a conference of francophone African states, but he insisted the Government would stick to its guns.

"This is the path, the path of reforms which have been delayed for too long, that I have chosen," M Chirac said. "We need courage and strength to fix these things, but we have courage and we have time."

But as factories cease production for lack of materials, shops report sharply reduced profits and anxiety grows in financial markets, observers are wondering how much time M Chirac has left. A new poll by the conservative *Le Figaro* newspaper found that a small majority believe M Juppé should not give in to the strikers, but earlier polls showed that two out of three French people support the protest.

While the Government has

said that emergency measures — such as dissolving parliament or calling for a referendum — are not yet being considered, Charles Millon, the Defence Minister, said that, if the deadlock continues, M Juppé may call a snap election.

The Prime Minister will have the opportunity to demonstrate his mettle today when parliament debates the no confidence motion. The Government has an overwhelming majority and there is no chance the motion will pass.

But as the strikes have gathered pace, M Juppé has maintained a strained public silence: when he addresses parliament, both the trade unions and financial markets will be watching closely to see just how much fire is left in his belly.

Anatole Kaletsky, page 2



A lone cyclist weaves between cars brought to a standstill in Paris yesterday by the strike

NOW THE STOPPAGES SPREAD

ONLY the most determined should brave the streets of Paris. Public transport is at a standstill and taxi drivers are preparing to join the strike today.

Shops have reduced prices to lure bargain-hunters, the *atré* tickets are widely available and getting a table in the most exclusive restaurant has suddenly become easy. Getting there is another matter. Traffic jams are paralysing the capital.

□ *Eurostar*: Fewer than half of the trains are running, as a two-day strike by Belgian drivers today and tomorrow

compounds the 12-day-old French rail stoppage. Services should be back up to 60 per cent of normal towards the weekend. Eurostar will reassign passengers to another train in case of cancellation. Call 0345 881881 in UK or 01233 617575 from France. □ *Paris transport*: Metro and buses cancelled; a few special buses are running. □ *Taxis*: Worth taking only late at night when queues subside. Queues at the Eurostar terminal, Gare du Nord, from two to six hours. □ *Transport solutions*: The Air France bus is still run-

ning from airports to central Paris. Free riverbus service stops at main points on the Seine.

□ *Tourist sites*: Ring to check on reduced opening hours. The Eiffel Tower is closing two hours early, at 6pm. Parks are also shutting early.

□ *Museums*: Smaller museums are mostly open. The Louvre is closed except for temporary exhibitions and the ground floor. Musée d'Orsay is shut except for temporary exhibitions. Earlier closing hours generally. □ *The Paris Tourist Office*: 00 33 1 49525354.

Cursing commuters catch a slow boat to the office

BY BEN MACINTYRE

WE WERE a motley crew yesterday morning aboard the *Edith Piaf*, one of ten river boats laid on by the French Government to help Parisian commuters combat the transport strike chaos.

"It takes the bus," announced Captain Michel Martin, beaming as he welcomed passengers on board one of the famed *bateaux-mouches* that offer sightseeing tours along the Seine in happier times.

This was Captain Martin's big moment. After years of ferrying tourists, here was a chance for him to show that beneath his bus conductor's uniform beat the heart of a true French *matelot*, a man battling the elements.

In this case the struggle was against striking transport workers who have brought trains, buses and underground services in the capital to a complete halt.

"Next stop, the Eiffel Tower," he boomed, as the *Edith Piaf*, carrying more than 150 passengers, nosed away from the quay below the Place de la Concorde.

The trip was free, laid on by the pleasure-boat company to help "harassed Parisians". While several passengers said they were grateful, most would clearly have preferred to be sipping their morning coffee in a warm office rather than bobbing around on the Seine, surrounded by other rescued castaways from the transport strike.

Paris office workers dress to impress, not to sail. Chic Parisian women in *haute couture* snarled as they tottered down a gangplank which was not designed for high heels. Men in elegant

pinstripe suits shivered behind newspapers.

Cortine Ducroix looked distinctly queasy as the wash from a sister vessel, the *Charles Trenet*, caused the *Edith Piaf* to roll unpleasantly. "I suppose it is better than walking," she grumbled.

The *bateaux-mouches* are designed for movement slow enough to allow tourists to take photographs, not rapid and efficient commuter travel. Try as he might to urge the *Edith Piaf* on, Captain Martin could raise nothing more than a jogging pace.

The journey by Metro between Berry and Maison de la

'Women in haute couture snarled as they tottered down a gangplank which was not designed for high heels'

Radio, the two end-points of the hastily arranged service, usually lasts half an hour. By *bateau-mouche*, with seven stops, the trip takes an hour and a half.

The Government has also laid on 1,700 hired buses to shuttle Parisians stranded in the suburbs to and from work. However, while thousands of people in the capital took advantage of the emergency transport yesterday, millions more around the country were once again forced to drive, walk, jog, cycle, roller-skate or hitch-hike to work.

Traffic congestion set a new record in Paris yesterday with more than 350 miles of traffic

jams reported by the national traffic information centre during the morning rush-hour. To beat the traffic, cyclists and scooter drivers have taken to riding along pavements in the opposite direction to the traffic flow, causing fresh irritation (not to mention considerable fear) among pedestrians.

Throughout the day the ten *bateaux-mouches* plied up and down the Seine, but by the evening rush-hour the makeshift transport system could not keep up with demand. After taking on their full complement of passengers at the end of the line, the boats then steamed past intervening stops leaving thousands stranded.

At the river-stop below the Place de la Concorde, more than 200 increasingly irate stranded passengers watched as boat after boat filled to overflowing chugged past without stopping.

Finally a policeman arrived and told the crowds that no boats would be stopping there for the rest of the evening. "You will have to walk home," he told the passengers.

Some demanded to know why they had not been told previously that the emergency system might overflow. Others swore copiously, but most merely shrugged and headed off into the night for yet another cold walk back to the suburbs.

At least this commuter had been able to take one of the free journeys and was only too happy to be chugging down the Seine on the *Edith Piaf*. Banked by frozen trees silhouetted against the fog caused by stationary lines of fuming traffic.

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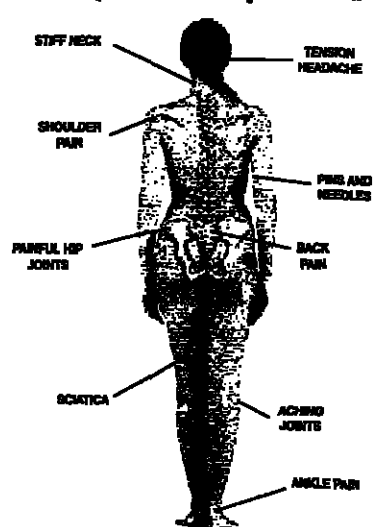


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هنا من الاصل

Weak women should avoid strong drink

Gender and body size can both have an effect on your capacity for alcohol

The amount of alcohol which someone can drink before it affects their composure, judgment, speed of reaction and co-ordination, and hence their ability to drive safely, varies enormously. In my youth there used to be a ditty warning women of the dangers of the wily Martini. It advised them not to drink more than one, because by the third they could well have experienced a most undesirable fate. The advice, by today's standards patronising and politically incorrect, was in fact medically sound.

The rate of absorption, and later excretion, of alcohol may differ between the sexes, and between people of different stature, but there are a few guidelines. Women absorb alcohol more quickly than men and they can take less before becoming intoxicated; this is related to the proportion of fat to muscle in the body. Furthermore they metabolise alcohol more slowly. In general, women tend to become drunk more quickly than men on less alcohol and it takes them longer to sober up.

In either sex, composition of the drink taken, as well as its strength, affects the rate of its absorption. Champagne is absorbed faster than whisky but whatever the source of the alcohol, neither coffee nor fresh air can speed the rate of sobering up; time is the only sobering agent.

Large muscular people can drink more before being adversely affected than can the short and plump. The greatest difference in the quantity of alcohol which can be drunk is perhaps determined by the tolerance the person has to it. The habitual drinker, very probably used to daily drinking, metabolises alcohol one third faster than does the occasional inexperienced tippler, and those people who are experienced drinkers need far higher blood levels of alcohol — sometimes well over twice as high — before they appear

intoxicated, either to others or even to themselves. The heavy drinkers should be warned, once the regular excessive consumption of alcohol has started to affect the liver tolerance disappears and the person can then become drunk very quickly.

Women are less fortunate in this respect too. There is evidence that their livers are more vulnerable to alcohol and, when damaged, less likely to recover if they stop.

The ditty was also right to question drinking Martinis. The strength of the Martini depends on the host's formula and therefore defies the usual rules of calculating the amount which has been drunk: it has become customary to think of alcohol in terms of units. For this purpose it is assumed that one glass of wine is the equivalent of one pub tot of spirits, or half a pint of beer or cider, and each represents one unit.

Each unit is likely to increase the blood alcohol level by about 15mg per 100ml. The upper limit for driving is 80mg per 100ml at which level the average person will feel no more than socially confident, perhaps talkative.

Unfortunately the rule of units can be very misleading. Wine is assumed to contain 10 per cent alcohol by volume, a few wines are weaker than this, many are higher and the fortified wines, port and sherry can be twice as high. Beer also varies in strength. Any drinker of a premium beer who hoped that he was only taking in two units per pint would be dangerously misleading himself: a pint of premium beer contains as much as five units.

Alcohol is lost from the body at the rate of 15mg per 100ml per hour. It is easy, therefore, to calculate how the premium drinker could still be over the limit next day if he had been drinking into the small hours of the night before.



DR THOMAS STUTTAFFORD

Why I'm fighting for my daughter to be sterilised

Novelist Meg Henderson explains how she came to make such a momentous decision

It was a Saturday night nearly two years ago. My daughters, Louise, then 16, and Debbie, then 15, were watching television together. Louise said: "Debbie, someone's calling you a bastard." Her sister asked who, and Louise replied: "Don't know, it's coming from the sky." That short exchange marked the end forever of family life as we knew it. We couldn't get an emergency psychiatric appointment for three days, and within that time Louise had a major mental collapse. The night before being admitted to an adolescent psychiatric unit she wandered about the house, alternately laughing and crying hysterically.

We fostered Louise when she was two-and-a-half, hoping to one day adopt her, which we did, five years later. When we brought her home she was like a wild animal; she screamed all day and all night, bit herself until she bled, picked anyone or anything that moved. We knew she would be hard work, but she was so little, and according to information the social workers had given us, there was every reason to expect that one day Louise would be a functioning human being.

One of the symptoms of her condition was her desperate need for routine. She wanted to eat the same meal, at the same time, wanted to wear the same clothes, said the same things over and over again. If her established routine varied even slightly, she became totally unmanageable, dissolving in a characteristic burbling laughter that bordered on hysteria and often tipped over into tears. And she had no understanding of social codes: she did and said exactly what was in her mind. It was only when she was diagnosed as psychotic at the age of 16 that we were told that she had been suffering all along from a form of autism.

We had asked about autism early on and been pooh-poohed. She was, said the



Louise, aged 6

social workers, a victim of emotional disturbance, a catch-all phrase behind which they hid a multitude of truths. Over the years we pieced together the facts from other sources: that she had been abused, had been battered at the age of ten months and was brain damaged as a result, and that there was a history of mental illness in the family. It became clear that the social workers had known all this, but had decided to keep it from us.

Now, two years after her first major mental collapse, she has been in and out of hospital as the search for the best anti-psychotic drug has progressed. There is no one drug, it is a case of trial and error, and changing her from one to another involves a long weaning off and a long weaning on period. At the moment the hallucinations are controlled. Much of her time is spent in an adolescent psychiatric unit. Louise is now an attractive 17-year-old, with her

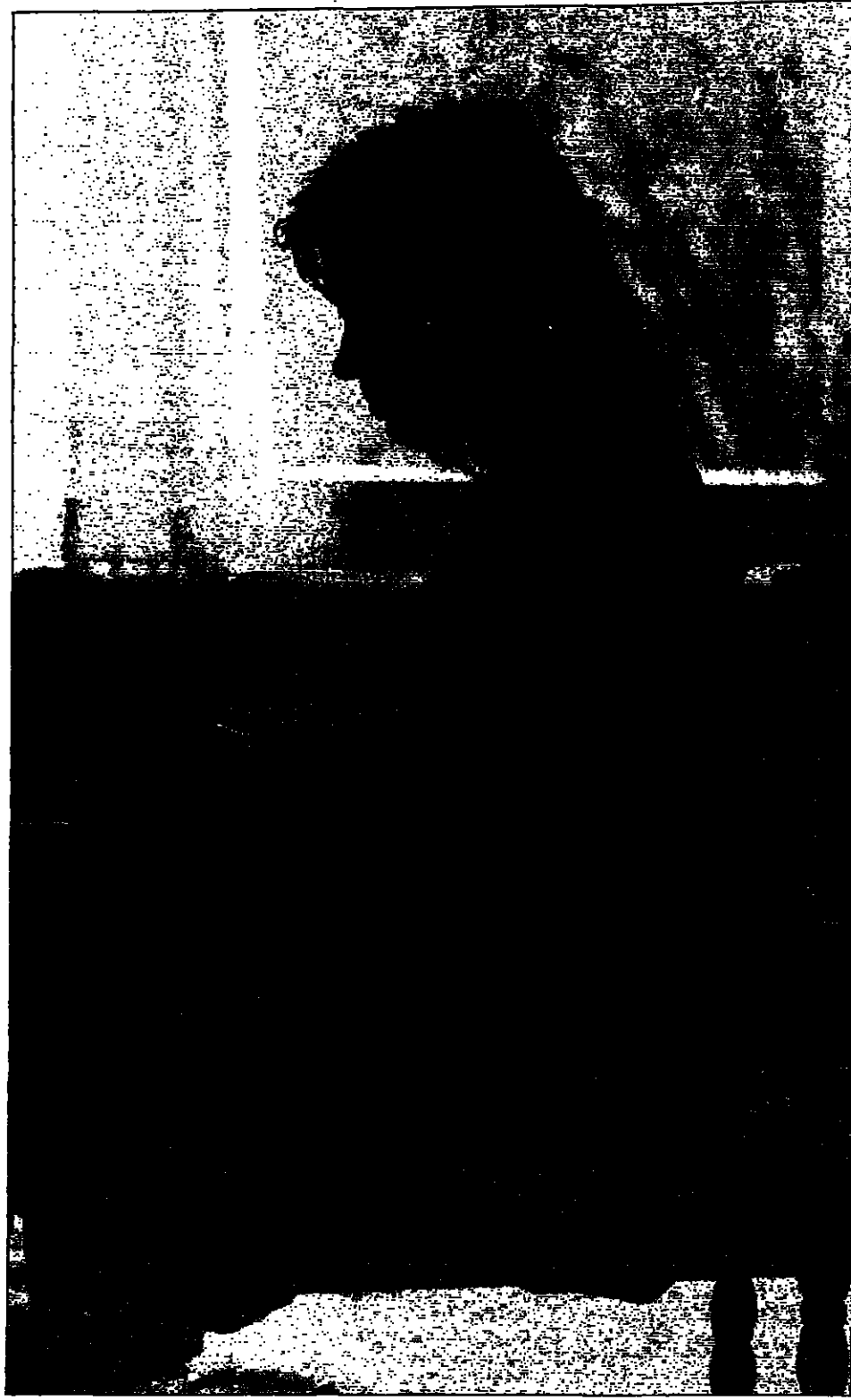
life as stable as it is ever likely to be. She is developing some kind of social life, going to discos with other mentally handicapped and mentally ill adults. She has a boyfriend who holds her hand, and this is where the worries come in.

Louise has no inhibitions, no understanding of morals or ethics and, because of the early abuse, she has always been more interested in sex than other children. She has always been sexually provocative to all males. At the age of eight she would behave like the sexually active 18-year-old that in February she will become. There would be little point in discussing the consequences of sex with her. She doesn't see any connection between sex and babies, and anyway, she adores babies.

So the question of contraception has become inevitable. Her psychiatrist is a pleasant woman, one of the few professionals who have not patronised us, and we both agree that Louise couldn't manage the Pill, coil or cap, and neither could we depend on a probably equally unreliable male to use a condom. The psychiatrist suggested giving her a series of hormonal injections.

We are dealing here with someone who will never recover; even without the psychosis, Louise's other difficulties would be considerable. She will never be allowed to have a child, first because we have no idea, given Louise's problems, what any child would be like, and secondly because she will never be capable of caring for a child. She is already receiving large doses of very powerful drugs, yet the contraception on offer is hormonal, with all the possible side-effects, suspected or proven, such drugs could bring. And although hormones are easy to administer by injection every three months, they are not problem-free. I would not consider having this form of contraception for myself, and I happen to think my daughter has suffered enough in her young life without the possibility of even more problems.

And no hormonal contraceptive is foolproof: if Louise did become pregnant she would do so while on anti-psychotic drugs that would affect the foetus. The pregnant-



Mental illness in your child is heart-breaking but decisions still have to be made

wrong in being unable to explain to her the differences between the Pill, the coil, the cap or the condom.

The choice we as parents are left with is to take court action, thereby attracting the attention of those who brand you a fascist, and wax lyrical about assaults on human dignity. Frankly, like most families in this position, our resilience is already severely tested by coping with this dreadful thing that has happened to Louise, without facing the horrors of a court case, not to mention the expense. But Louise is our daughter, we have had to fight for her all along, we have invested all these years in her, and though she is unable to form emotional attachments, we are.

ise is our daughter, we have had to fight for her all along, we have invested all these years in her, and though she is unable to form emotional attachments, we are.

Mental illness in your child is heart-breaking. Louise's death would have been easier to bear: I'm told this is a common reaction among parents. The Louise I know has died, but there cannot be a funeral and gradual return to normality because this new person looks

like her, sounds like her, but isn't her.

In the years to come she will always be part of the family, we bear responsibility for her and won't desert her. We want what is best for her. We want her to be sterilised not because we need an easy solution to yet another of her problems. This is not something about which we have made a snap decision, we have had years to think about it and discuss it. We don't relish the thought of going to court, but we will do so. Not because we don't care, but because we do.

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cy alone would have a catastrophic effect on Louise's condition and, if the pregnancy continued, her treatment would be stopped for the sake of the baby, again with catastrophic results for Louise. So, if she were to become pregnant, the logical solution would be to abort her, without her consent. Why, I asked, couldn't Louise be sterilised instead? We are already giving her treatment to which she cannot consent, and now we are proposing to add more again without her consent, for the rest of her reproductive life. The psychiatrist was sympathetic, but pointed out that sterilisation was surrounded by ethical problems.

These problems are vague, but seem to centre on the right of the mentally ill to be informed and consulted about issues affecting them. They should be asked for consent, it seems, whether they can fully understand what they are consenting to or not.

All wonderfully PC of course, but hardly practical, and those who are leading the charge are very selective about where and when consent should be sought. We can administer anti-psychotic drugs without Louise's informed consent, in that she doesn't really understand either her illness, the need for treatment or how it acts on her body. The same will apply to contraception: she will be given it without knowing how it works, the possible side-effects or why she needs it. The discussion centres on the form, and again Louise has no means of understanding the different methods available: those with ethical objections to sterilisation see nothing



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We can hardly blame politicians for trying to make us laugh

Have you heard the one about the comedian who thought he was a philosopher?

At the British Comedy Awards on Saturday night both Desmond Tutu and John Redwood put in an appearance. It's true that they were not there to do a little stand-up, but rather — just as inexplicably — to read out some nominations; but from the way they were behaving it was obvious that they thought they were there to be funny, to get laughs. But then everyone does these days.

Psychologically, this is easy enough to explain: everyone wants to be loved; everyone loves a joker. We want to those who make us laugh, and we can hardly blame a politician with an icy uncommon touch for wishing to come in out of the cold. John Redwood presumably felt that if he got up on to the stage with Jonathan Ross, engaged in a little banter, a little persillage, then he would in a miraculous instant lose his reputation as a weirdo from planet Vulcan and be taken to the hearts of the ordinary British people.

But then, those who think they can win over the cruel-hearted comics and their fans are pointedly afflicted with bad judgment. Wasn't it Norman Lamont who took the same gamble, and failed, at the same comedy awards a couple of years back?

There seems to be a long list of embarrassingly eager Members of Parliament who want to appear on *Have I Got News for You?* Comedy has become a serious business. But if politicians are wrong in thinking that, by trying to play the comedian, can make us like them, they are not wrong in realising that if they are to succeed these days where it matters, then it is the comedians they must ape.

Much was made in the late Eighties about comics being the rock stars of our time. And so forth. But in truth comedians had always been rock stars, that is, until rock stars came along. Jimmy Jewel, who has just died, was more famous than any singer in his day; the appeal of the comic is not a new one. The significance of the politician who is a wannabe stand-up is that it is politics that has changed. Everything is showbiz now. Ratings, television exposure, audience-appeal: that is what it is about now. That, of course, and the soundbite.

Indeed the soundbite is where the comedian and the politician merge: they both live by gags. Interestingly, when comedy was really more political (in the Sixties), rather than when it had the reputation for being political (in the Eighties), the soundbite-gag was not part of the armoury in the way that it has since become. (I'm not talking here about

catchphrases, which are of a different order and serve a different purpose.) In an early *That Was The Week That Was*, the two Johns, Bird and Fortune — who picked up an award last Saturday — performed a sketch about the Vassal affair which ran for 15 minutes or so. A level of political engagement and political understanding was taken for granted in a way that no programme could expect now. Fortune and Bird could not get away with a sketch as long, or which presumed as much of the audience's intelligence or acuity, as Rory Bremner's show, on which they now, gratifyingly, appear.

Perhaps it is indeed the lack of political engagement today that has put comedy on such a pedestal. For if it isn't true that the comedian-as-rock-star is a glaringly new phenomenon, it is certainly the case that comedians — as a group, rather than just as certain lionised individuals — bask in an unprecedented popular admiration. They alone are deemed worthy to pronounce on the human condition. Indeed, any comment they have on any subject is gratefully, almost reverentially, received.

If every politician wants to be a

comedian, every comedian wants to be a philosopher. Comedians themselves have taken upon themselves the mantle of moral probity. At the British Comedy Awards guests found, at their places when they came to sit down, a little red Aids ribbon tied to a pin, which it was incumbent upon them straightaway to fasten prominently about their person. These days you must wear your heart on your sleeve, or your lapel, or it will be presumed that you don't have one.

However, if it is our cynicism that has led to our having no time for politics or politicians, it is that disengaged, world-weariness which makes us feel that the only appropriate way of dealing with that which we do not like, is to laugh at it.

Perhaps that is right, but we fool ourselves if we feel that ridicule is a potent political tool any more. If the extent of our political engagement is sitting on the sofa at home laughing at someone making jokes about politicians — and I rather think that it is — then no wonder satire has lost its teeth: it is all just broad and circuses now. And — even more damning — politicians do not fear being lam-

pooned by the Rory Bremners of the world: they long for it. In the Sixties, Harold Wilson tried to have *That Was The Week That Was* banned; in the Nineties Roy Hattersley queued up to have his photo taken alongside his *Spitting Image* puppet.

If comedians feel they have some particular insight into the human condition, they are, or at least in some instances they are right. It is, indeed, as much the role of the comic as of the novelist to do so. But it only works if the comedian has integrity, is really funny, rather than striking poses.

Victoria Wood and Jack Dee (both, again, winners at Saturday's ceremony) are funny because in essence they are truthful. They say more than any amount of Eighties right-on attitudinising. When it gets difficult, is when any duff-brained but persistent clod, who has done time in the pubs and clubs of England, feels he is uniquely equipped to illuminate our drab existence for us. Some people seem to expect laughs just for any aggressively inarticulate routine. And perhaps we give them because we so respect that wish.

It is hard not to presume there to be a link between recession and a rush towards comedy. In a similar way, the depressed Thirties saw a similar gush of desperate affection for Tommy Handley, Flanagan and Allen, the Crazy Gang and all the rest of them.

But our age has its own characteristics, too, and the growth of female comedians is one of its features. There is some conflict here, though. Women's comedy grew out of the alternative circuit, which professed itself to be anti-racist, anti-sexist, ideologically sound (ideological soundness being what we had before PC came on the scene) and yet the "men, doncha hate em?" line of the right-on female comedians is no more than a new turn on the old mother-in-law jokes.

Sexism is at the core of Jo Brand's routine. And yet, even though a man would hardly be applauded in similar circles for making about women the sort of jokes Brand — she, too, triumphant on account of it on Saturday — makes about men, I think she has to be defended. Not because — as is customarily the defence — because women have put up with men's wholesale put-downs for so long, "and now it's our turn!", but because the job of a comedian is not to be nice, or right, but to be funny.

Still, to be a comedian with only the one gag is not that funny. But I suppose it is more than a lot of them have. No wonder politicians are envious.



Dawn French and Jennifer Saunders are well aware that the first job of a comedian is to be funny

Time for Diana to get a new hat

In her bid to identify with the people, the Princess has aligned herself with ageing rock stars and sulky teenagers, says Julia Llewellyn Smith

First there was the gawky Sloane in flannels and pearls, then the ingenue Princess in ruffled collars, the scorned wife in glittering halterneck (he left this for her?) and now the sober-suited ambassadress. The Princess of Wales has undergone as many metamorphoses as she has regurgitated hot dinners, yet the baseball cap has remained a constant.

From nibbling on candy-floss with her sons as she queues for white-knuckle rides at Thorpe Park to promoting her new role as a 20th-century Florence Nightingale, the Princess would no sooner dispense with her favourite headgear than abandon her daily trip to the Harbour Club.

The fact that such a hat can serve no function on a winter night, or that the Princess has probably never seen a baseball game, matters not a jot. Nor should we care that these hats were fashionable for about 12 minutes in 1986, or that the Princess is just plain too old for them. She, along with fellow thirtysomethings such as Tim and Lady Helen Taylor, Angus Deayton and the England cricket team, seems to be stuck in a bizarre time warp in which the wearing of these ridiculous caps becomes compulsory.

Wherever ageing rock stars, Hollywood has-beens and



From Nick Leeson through Michael Barrymore to Robert Maxwell, the baseball cap signifies a common touch

under-employed royalty are to be found — from Alpine resorts to cafes in the Fulham Road — their presence is heralded by the ubiquitous peaked cap, pronouncing the owner's unlikely allegiance to the Chicago White Sox, or Detroit Diesel.

By wearing one on a mid-night hospital visit, the Princess was trying to reassure a life-threatening coma that the woman at the end of the bed was not an angel, but an ordinary woman with the common touch, who loves all things American, from Disney World to McDonald's.

"It gives her authority in popular culture and it's one in the eye to Charles traipsing around in his Norfolk jacket," says Stephen Bayley, an image guru, and former chief executive of the Design Museum.

In the 1980s, when rap stars such as Ice Cube and Snoop Doggy Dog ruled the airwaves, any teenager in search of attitude pulled on a baseball cap back to front and looked sulky. In the 1990s, however, only three groups favour the cap: middle-aged men such as Michael Barrymore who are trying to hide bald patches, women having a bad-hair day and undercover celebrities.

Jane Procter, the editor of *Tatler*, says: "Sloane Rangers started to wear baseball caps because they were anti-Sloane, so now they have become a symbol of Sloaneedom."

Liz Hurley should have told Hugh Grant that he was doing nothing to salvage his reputation after his escapade on Sunset Boulevard, by never leaving home without a cap. Nick Leeson, ever the rebel, chose to wear one back to front when he recently returned to Singapore.

The baseball cap first arrived in Britain during the Second World War with American GIs. Along with

blue jeans (another favourite of the Princess), it has become a token of solidarity with the working classes, a talisman of mild rebellion. Presidents from Carter to Clinton have all worn them when they wanted to get down with the masses: tycoons like Richard Branson

and Robert Maxwell doffed them to emphasise their earthy dynamism.

Jeans, however, are useful and stylish. Baseball caps are neither. They offer no protection and are as superficial as their wearer. Who knows what coded message is conveyed by "492", the numbers on the cap the Princess was wearing on her midnight swoop on a London hospital?

"Of course, it doesn't work as a disguise because there are no end of ways she could cover up better. As usual she is saying 'Look at me, I am trying to look anonymous'. There's clearly a sexual message there, too. A beautiful, upper-class woman wearing something so bitch draws extra attention to her femininity," Bayley says.

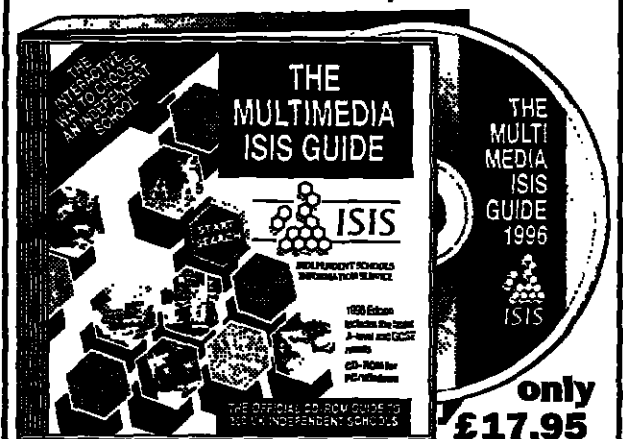
"If she really wants nobody to notice her, she should follow the advice for women driving alone at night, which is wear a baggy man's coat and tuck your hair up in a trilby. Not photogenic, but it never fails."

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A man of honour to lead Nato

Tristan Garel-Jones welcomes a Spanish Secretary-General

In his book *Englishmen, Frenchmen, Spaniards*, published in 1931, Salvador de Madariaga, an exile from Franco's Spain and sometime Professor of Spanish at Oxford, wrote: "We shall observe in each of these peoples a distinctive attitude which determines their natural and spontaneous reactions towards life: In the Englishman: fair play; in the Frenchman: *le droit*; in the Spaniard: *el honor*."

What a joy it is, at least for myself (known to my colleagues as the Member for Watford and Madrid Central) to see the great-nephew of Professor de Madariaga chosen as Secretary-General of Nato by a consensus in which the son of another Spanish political exile, Michael Portillo, played a part. Thus that diaspora of Spanish men and women forced to flee after the Civil War, who played such a prominent part in the French Resistance, who injected intellectual rigour into universities across Latin America and who behaved with honour wherever they fled to, comes full circle in the persons of Javier Solana and Michael Portillo.

We should have guessed that Solana was a shoe-in as soon as Bill Cash rose last week in the Commons to put a wrecking question to the Prime Minister. Twenty-four hours later, the nomination was announced.

Given the difficulties that arose with some of the earlier candidates, it is not surprising that the consensus should have gathered around Solana. He has been a senior minister in the Spanish Government since 1982. His conduct of Spain's efforts in the former Yugoslavia has been exemplary. He has a proven capacity to master difficult briefs. And his English is excellent.

But a number of questions need to be answered to reassure those who are not, like Señor Solana, recent converts to the Alliance.

First, there is the attempt to cashier him, as it were, on the ground that he opposed Nato as recently as 1982. This is as if Bill Cash's own Europhobia were to be questioned on the basis of the speeches he made at the time he was seeking nomination as a member of the European Parliament. The comparison is a little unfair to Solana. For the public change of heart by the incoming Socialist Government in Spain in 1982 — leading to the referendum which brought Spain into the Alliance — provided a boost for Nato itself at a crucial time in the Cold War, and was the final hoop binding Spain into the democratic West. It seems an impudence, to say the least, to question the integrity of a politician who changed his mind and achieved full democratic endorsement for that change in a referendum.

The Secretary-General of Nato is the most important public servant in Europe. The office has a long tradition of resisting party-political partisanship. Señor Solana is a socialist, and rather a partisan

one. Furthermore, he has been recently mentioned as a possible successor to the Prime Minister, Señor Gonzalez. The Spanish Socialist Party can ill afford to lose him; but lose him it must — completely.

Spain has brought a North African dimension to European councils. Certainly there are threats to our security from that quarter, and a little extra focus on them is not misplaced. But it is in Eastern Europe that the final settlement has to be made. It is there, more than anywhere else, that the Secretary-General has to concentrate his attention.

Nato remains the cornerstone of Western defence. America's leadership of the Alliance must be emphasised and cemented. Of course, we must all work to build up the Western European Union as a European pillar of Nato. But the new Secretary-General must be vigilant to ensure that WEU does not come to be regarded as a Euro-friendly soft option to the real thing, nor subservient to, let alone absorbed within, the European Union. Nato works. And its capacity to work would be dangerously compromised if arms-length undertakings made in the political

Union were fed into a WEU which is almost entirely dependent on the Alliance.

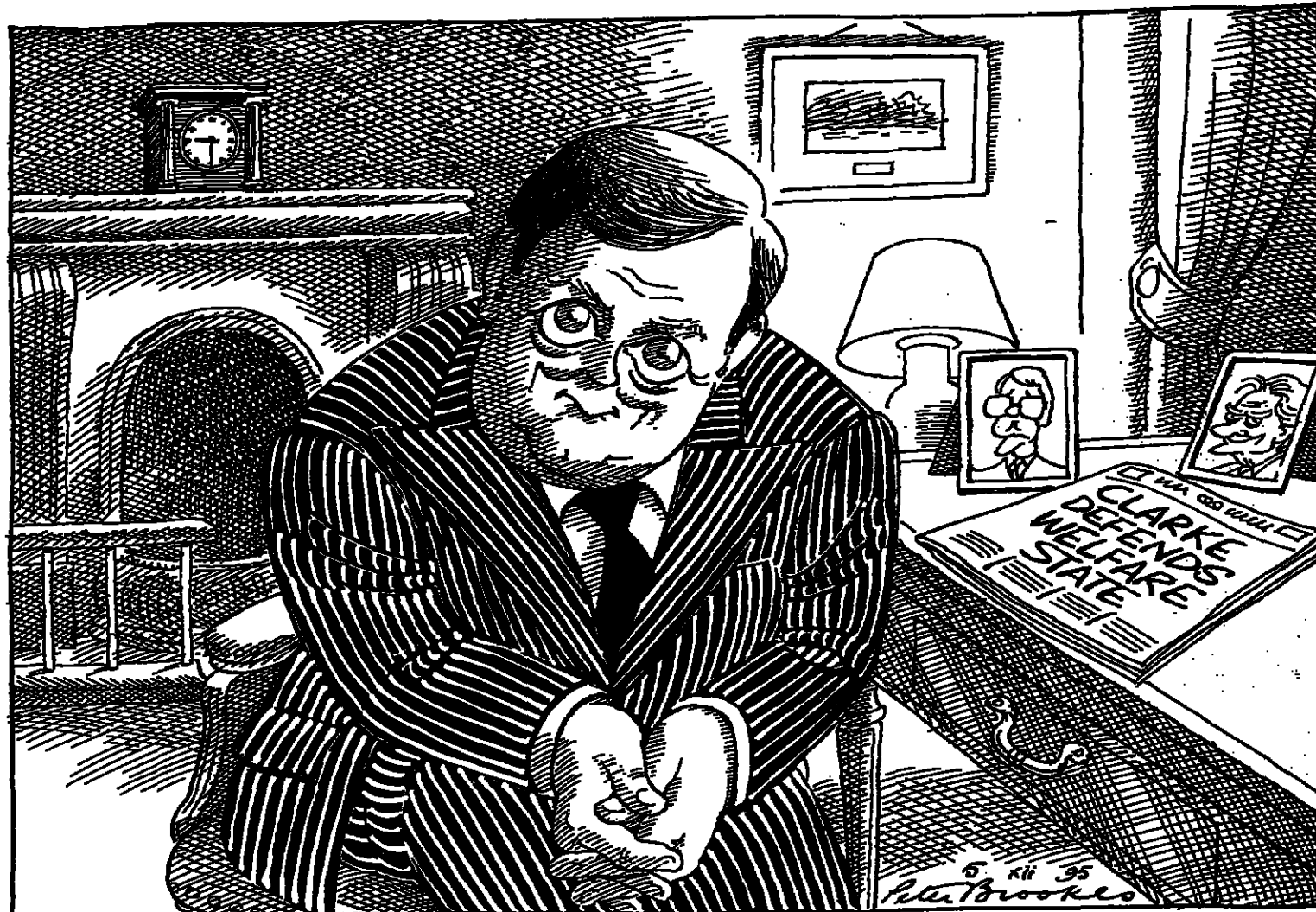
Gibraltar is an Anglo-Spanish problem. It cannot be "solved", though it may be dissolved over a period. I assume that the new Secretary-General will have given ample assurances on the subject, and would be the first to understand that there can be no meddling from Brussels here.

Remaining outside the integrated military structure was the price the Spanish Socialists had to pay to win the Nato referendum a decade ago. It is now a bore and an anachronism. While there can be no interference by the Secretary-General in the domestic politics of Spain, it is perhaps not too much to hope that now that the defence of our continent has been entrusted to a Spaniard, his fellow citizens may feel able to take this final step.

Yugoslavia will be the first great test for the new Secretary-General. In a sense it is also the greatest test for the Alliance itself since the Cold War became, in Sir Michael Howard's words, a "Chill Peace". Javier Solana has a good record here. I have no doubt that his steady conduct here was the most influential factor in securing British support.

In his book, after defining the distinctive attitudes of the English, the French and the Spanish, Madariaga goes on to suggest how these attitudes translate into their behaviour in life. For the Englishman, thought. For the Frenchman, passion. Action, thought and passion are qualities his great-nephew will need in abundance to fulfil the trust we have placed in him. Good luck, Secretary-General. *J. Suerie*

Michael Portillo played his part in the consensus



"I'D LIKE TO BE A KING OF PEOPLE'S HEARTS..."

I want to hold your hand

Would you rather be visited by the Princess of Wales or Lord Longford?

Private Eye is advertising the Di-No card, to be carried at all times in case of sudden serious illness. It promises peace of mind from knowing that the medical team will find the legend: "I, the undersigned, wish to make it clear that in the event of any injury, mental breakdown, life-threatening disease or other such personal tragedy, I do not wish under any circumstances to be visited by the Princess of Wales." This follows the "sensational" success of the similar Thatcher Card in the 1980s.

Alas, it is fantasy, and we shall have to type out our own. In the case of the Princess, not many will bother. She seems a gentle soul, and openly admits that she "draws strength" from the sick and is a main beneficiary of this well-intentioned nocturnal hobby. She is easy on the eye; if you felt uncommunicative you could regard her simply as another bunch of flowers. She is also, I bet, not above emptying the odd bedpan should the nursing staff be outside having a quick smoke.

Certainly she would not raise blood-pressure as much as some high-profile visitors. Throughout the 1980s, the fearful threat hanging over all of us was that if our delayed commuter-train should be derailed by poll-tax rioters, we would come round to find Margaret Thatcher standing over us with a caring smile and flashbulbs going off all around her. There were occasions when there seemed to be an undignified race going on between the PM and the Royal Family to reach the most newsworthy bedside: after every disaster one expected to see the Monarch at first-aid with the First Lord of the Treasury in the Addenbrookes revolving door.

For it is a truth universally acknowledged that hospital and prison visiting is a two-way street. It is not necessarily all done for the patient's benefit. Provided the visitor is not closely related, distraught and facing a terrifying personal loss, there is a wide spectrum of advantages to be gained from crossing a hospital doorstep with a bunch of daffs. More detached visitors can get every bit as much out of it as the patient, if not more.

At one extreme there is publicity, useful to politicians; or tearjerking material for the media person. I too in youth have toured children's wards on Christmas morning with a local

radio microphone, though in my defence let me say that I did at least take a clown with me. But the ordinary unpublicised visitor may gain a lot too: a sense of being involved in the great dramas of life and death; a warm sensation of released inhibition, flowing kindness, human love and closeness. The medical world — witness a thousand doctor-and-nurse romances — has a dangerously seductive ethos, compounded of suspense and weeping, brave black humour and bracing moral certainties. For every layman who can't abide the smell of hospital corridors, there are three more who, as their shoes squeak along the lino, begin quietly whistling the theme from *Doctor Kildare*.

Even better, the person you visit is visibly weaker than you are. You look down at them in their pyjamas, and if your own life is hesitant and powerless, this can make you feel quite good. I remember being shocked (but secretly relieved) once on a visit to a friend of my mother's generation, ravaged by chemotherapy, when the *grande dame* raised her head weakly on the pillow and snapped "Don't you ever clean your shoes?"

Then, of course, there are the networking opportunities. In the week following World Aids Day I intend no disrespect to that work if I say, in passing and *sotto voce*, that in certain arts professions it does no harm, no harm at all, to be seen from time to time passing through the foyer of the London Lighthouse.

None of these lowering reflections should discourage or degrade hospital visiting. There is nothing to stop you, like the Princess of Wales, admitting your mixed motives and carrying on all the same. A lot of patients love it; some, presumably, even enjoy the hallowed modern rigours of "open visiting", in which there is never a moment's privacy without the risk of your colleagues turning up

with a six-pack of lager to hold a party around your bed. Or, worse, someone else's doing it round the bed next door.

Which brings me effortlessly to Lord Longford's 90th birthday today. His mission, parallel to the Princess of Wales's new pastime, is visiting those whose sickness has been not physical but moral. Ever since I can remember, the saintly Earl has been the most famous of prison visitors, giving rise to many jokes about the cruel and unusual punishment of seeing his beaming features peering through the bars at you. He has bonded enthusiastically with Myra Hindley, Dennis Nilsen and others, the worse the better. Less famous prison visitors — who are a remarkable and hard-working lot with, on the whole, very few illusions — must at times be irritated by his high profile, not to mention his chat about the "sense of humour" and "spirituality" of people who have tortured children or carved up young men and never apologised (or who, like Hindley, held out for decades against giving relatives any help to find the bodies).

The rest of us can only cringe quietly as the magnificent Longford leaps now onto the Rosemary West bandwagon with cheerful assertions that he will visit her if she wishes, and that Hindley will be a great support in persuading her that there is "something to live for". You have to feel a certain admiration for his sheer lordly lack of tact; numb from that trial, most of us would wish to point out that all those poor girls had something to live for, too, and wanted to, but were prevented from living at all by Mr and Mrs West's insistence on their own unspeakable pleasures.

At opposite ends of the scale, old man and young woman, the Princess and the Earl obligingly display for us both the glories and the perils of high-voltage compassion. Both have done useful things: it is hard to remember now in these days of red-ribbon chic, but before women like Elizabeth

Taylor and the Princess of Wales publicly held hands with Aids patients there was a climate of terror, in which undertakers refused to bury the bodies and hospital orderlies left meals outside the rooms of the dying. Likewise, Lord Longford's refusal to write off any human soul as worthless is entirely within the teaching of Christianity.

But both attitudes hold the seeds of absurdity and hubris. In embracing the dramatic extremes of life and living vicariously right out on the edge, one can become intolerant of the centre: the normal, the undramatic majority of the world's suffering. The one thing in the Princess's *News of the World* interview which made me uneasy was her emphasis on the extreme illness of the patients she helps. I hope it was not her emphasis but the reporters', and that she also spends time with those whose state is dully sad rather than glowingly tragic.

Similarly, last time I met Lord Longford I was sorely tempted to push him out of a moving taxi when he said that my old friend Stephen Milligan, because of the sexual implications of the way he died, should not be commemorated by the customary silence in the chamber of the Oxford Union where he once presided. At the time I was merely furious, snarling "Look, you forgive Myra Hindley, give Stephen a break, he never hurt a fly". Later, I decided that there was something splendid in still being so infuriating at 88.

But later still, I began to wonder whether in both the Earl and the Princess there is not a touch of the fatal arrogance of those who can bestow compassion only at the extremes. He can love locked-up sex murderers, but not accept sad lonely sexuality in the character of a man who was part of his own Establishment. She will pour love over dying strangers, never asking what life they have led, but closer to home she does not hold back from saying things which cruelly torpedo the lifelong aspirations of the man she married.

I am reminded of the story of the prison visitor in Holloway who was roundly told off by an aged prostitute for making a call during the school holidays. "You've got kids," said the sinner firmly. "You get home and give them a bit of time."

Learning to love the Lords

Woodrow Wyatt on the value of the Upper House

Tony Blair seems to have abandoned the proposition that reform of the House of Lords should include turning it into an elected second chamber. He has also gone cold on serious reform. Doubtless he has been reminded of the last attempt in that field, led by Dick Crossman when Leader of the Commons in 1960, in collusion with the Tory front bench. Its collapse was caused by a coalition of Enoch Powell and Michael Foot, who organised a parliamentary filibuster to destroy it. Wisely, Tony Blair understands this is a minefield in which vast amounts of parliamentary time are bound to be lost, preventing more urgent legislation while achieving nothing. So far, his only firm pledge is to tinker with the hereditary principle and to create many more Labour life peers to balance the number of Conservative life and hereditary peers attending regularly.

If the next election produces a Labour government (which I still strongly doubt, despite the opinion polls) hereditary peers would be allowed to speak but not to vote. There are 13 Labour hereditary peers. One of the oldest, created in 1318, belongs to Lord Strabolgh. He was deputy government chief whip in the Lords and an efficient Labour spokesman on energy and agriculture from 1974 to 1979. Viscount Chandos is currently a Labour spokesman on Treasury and economic affairs in the Lords. Lord Rea speaks for Labour on development and cooperation. Lord Melchett was a minister in the Callaghan Government and might be one again.

The customary number of peers would be required in a Labour administration, some of whom, for sheer ability, would be hereditary. They would be in the absurd position of urging peers to vote in favour of legislation or amendments not having to add "... though I regret, my Lords, I shall be unable to reinforce the vote I recommend with my presence in the division lobby". There are often tight votes in the Lords, and the absence of a few hereditary peers could be enough to lose these.

Labour peers tend to arrive assuming that the Lords is an outdated irrelevance which ought to be abolished. Before very long, they realise it is an essential part of Parliament, however illogical its composition. Whenever a Labour leader threatens to abolish the Lords, a delegation of Labour peers arrives to express alarm, to which the inevitable reply is "I have to say this to please our party, but be assured — nothing will happen".

In a sense, the Lords is the last bastion of democracy in Parliament. As they cannot be dismissed by constituents, they have a habit, now unusual in the Commons, to listen to debates and vote for whichever side they think has won the argument — and that goes even for dihard, solidly Tory hereditary peers hardly ever seen at Westminster but dragged from distant parts on a three-line whip to support the Government. When, with others, I was promoting significant amendments to the Trade Union Reform Bills, numerous peers were persuaded to carry amendments against the Government's wishes. When these were sent to the other place, Willie Whitelaw urged that the Lords should always be allowed a proportion of their amendments, and this, with Margaret Thatcher's help, was enough to make the reforms more effective than they otherwise would have been.

There are approximately 477 Tory peers, 115 Labour, 56 Liberal Democrats and 276 crossbenchers (or independents). When the independents are of like mind, which they quite often are, they can win divisions against the wishes of either of the two main parties. Indisputably the Lords is needed as a revising chamber. Otherwise, sloppily drafted and indefensible clauses in Bills would pass and become bad law. The Lords is full of able people following every line of legislation with gimlet eyes.

However, I agree with Mr Blair's wish to create more working Labour life peers, particularly if they are of the quality of the present ones. For fear of damaging their healthy influence, I will not name the many Labour barons and baronesses I admire, though I hope Lord Bruce of Donnington will forgive me for praising his work on the European Communities Committee. He, with Lord Aldington and the late Lord Benson, has led a campaign far better than anything mounted in the Commons against fraud in the EU, and their constant hammering has at last made the public aware of the scandal. Perhaps the greatest compliment to that Lords Select Committee is that it has been followed by a similar French parliamentary committee, entrusted by ours in the Lords.

As standards of intellect and expertise have diminished in the Commons, where there are always acknowledged experts on any topic, speaking intelligently and objectively, the Lords is less "the Elysian fields" described by Disraeli on his elevation than a practical workshop of great value — and it is infinitely cheaper than the Commons.

Fowled up

BRITISH RAIL once had the wrong kind of snow. Yesterday, in the South East, it had the wrong kind of bird. Angry commuters listened in disbelief when they were told that the delays on trains coming into Waterloo from Reading and Windsor had been caused by a swan on the line.

The bird alighted at Staines and pecked about on the track for a good half hour, so the railway came grinding to a halt. "I was held up for about an hour," said one commuter. "It was ridiculous. You would have thought they could cope with a bird."

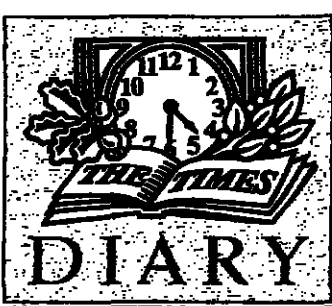
South-East trains protested that there was nothing the company could do, but it appears that attempts to capture the flighty animal were unsuccessful. "It had flown up from the river and sat next to the line for about half an hour," said a spokesman. "Eventually it went of its own accord."

This is not the first time swans have caused delays on the area's rail service. Earlier this year, Railtrack painted a bridge over the railway bright yellow because apparently birds, unable to pick out the steel girders against the grey river, kept crashing into it.

● Damon Hill was rather sheepishly sporting a new beard at the McLaren Autosport awards at the Grosvenor House hotel in Park Lane on Sunday night. "I just didn't get round to shaving," he muttered unconvincingly when he found that his growth had become a subject of speculation and concern among the other guests. "I don't think I'll be keeping it." There was more enthusiasm from



"I haven't done my translation homework"



his wife, Georgie: "I love it, but I can't tell you why."

Fingered?

PRESIDENT CLINTON's trip to Ireland is already the stuff of legend. One of the more extraordinary stories doing the rounds in the pubs is of the audacious attempt by a pickpocket to filch the President's wedding ring.

According to a newspaper in Belfast, the thief succeeded in whipping the ring off Clinton's finger during a handshake in Londonderry, but secret servicemen spotted him and immediately recovered the gold band.

The thief was very cheeky. It was all over in a few seconds and he was just about to flee when the bodyguard stepped in, a source from the Royal Ulster Constab-

lary is quoted as saying. The official line from the RUC, however, is rather more guarded: "We have no knowledge of this. It's a strange one."

Top that

MICHAEL ATHERTON's marathon 643-minute innings in Johannesburg was the fourth longest for England in Test history. But even this tremendous captain's innings couldn't hold the attention of the South African camera-crews, who must have broken a new record with the number of gratuitous shots of spectators in bikinis.

Yesterday's trenchant stand by Atherton and his partner Jack Russell (who scored just 29 runs in 276 minutes) clearly proved too much for the cameramen, who went flesh-crazy. Peter Baxter, the producer of *Test Match Special* was surprised: "It's not very politically correct."

Paris match

PARIS CAME to a standstill at the weekend because of the strike, but there was no stopping the *beau monde*. Partygoers descended on the Hotel de Crillon for an international debutantes' ball.

The society girls were togged in



Emilie and David Jarre: hair and apparel

the latest evening wear from chic fashion houses, a far cry from the puffball white taffeta of Queen Charlotte's Ball in London. Jean Michel Jarre's daughter Emilie sported a Bruce Oldfield number, but was overshadowed by her brother David's dyed hair — a blinding shock of red. She was a reluctant deb, she claimed, and was just doing a favour for Oldfield, a close friend of her step-mother, Charlotte Rampling. "It's

not my scene. I think it should be much more funky."

● Nick Leeson's return to Singapore has launched a merchandising frenzy. The latest cocktail is a heady number called *Bank-Breaker*. And there is even a board game, "In the Nick of Time", which involves rolling the dice to keep ahead of the law.

P.H.S

هكذا من الأصل



TROUBLED SEARCH

A new Spanish head for Nato — and some old Spanish doubts

Javier Solana, a man with little direct experience of defence affairs and with a previous record of opposition to Nato, is to be the next Secretary-General of the transatlantic security alliance. Serious questions have been rightly raised — in America as well as in Britain — about the wisdom of entrusting the organisation to the Spanish Foreign Minister.

The search for a man to replace the disgraced Willy Claes has shown the alliance at its backward-looking worst and the American government at its most careless and capricious. As we have long argued, this was an opportunity for fresh thinking: it is no longer right, for example, that an American should not serve in the post. Instead the alliance has been nudged along a winding, pot-holed path to Señor Solana's door. If Mr Claes was always clearly the worst man for the job — for reasons quite separate from his alleged involvement in Belgian scandals — it is not entirely clear that Señor Solana is the best one. But in the absence of weighty candidates from those European states whose involvement with Nato is greater than that of Spain, and in the persistence of the unhelpful convention that keeps the job in Europe, it must be accepted that the Secretary-Generalship cannot be left vacant any longer.

There is a pressing need now to look beyond the doubts. With the Dayton agreement on Bosnia, the alliance has now entered an especially precarious phase. Señor Solana's strengths are arguably comparable to those of Ruud Lubbers, the former Prime Minister of The Netherlands, whose candidacy was derailed so brusquely last month after a veto by the Clinton Administration. Mr Lubbers had been endorsed by Britain, France and Germany. Señor Solana has, unlike Mr Lubbers, been endorsed by America as well. That is all.

Much will continue to be made of Señor Solana's opposition to Nato in the early 1980s. He will not be allowed to forget his

past, just as Mr Clinton has not been allowed to forget the lack of enthusiasm he once had for his country's armed forces. All that can be said in his favour is that, in his opposition to Nato, Señor Solana was very much a Spanish man of his times. Spain had only just emerged from General Franco's long shadow.

The country has since changed beyond recognition, as have its attitudes to Nato. The Spanish Government made its air bases available for long-range bombing raids on Iraq during the Gulf War. More recently, the involvement of Spanish ground troops and aircraft in the Bosnian campaign has never been less than whole-hearted. Much of the credit for the latter should go to Señor Solana, whose tenure as Spain's Foreign Minister has been marked as much by pragmatism as by a shrewdness of diplomacy. He may not have liked Nato in the past, but his enthusiasm for the organisation now has some of a convert's conviction.

It would be difficult to exaggerate the complexity of the task facing Nato in Operation Joint Endeavour — and of the tasks which lie beyond. Not only must the Secretary-General oversee an ambitious plan for peace in Bosnia, involving the presence of some 60,000 soldiers, he must be alert also to a number of other fronts. The most important of these lies in the former Soviet bloc. Nato, and Señor Solana, need to handle sympathetically the apprehensions and claims of Eastern Europe — from Poland to Ukraine, Latvia to the Czech Republic — without puncturing the thin skin of those who rule in Moscow.

Britain will rightly demand that these concerns be addressed without weakening the alliance's Atlanticist bedrock, the source since 1945 of peace and security on the Continent. So far the Spanish Foreign Minister seems to enjoy the confidence of Mr Clinton — if not that of Senator Bob Dole — as well as that of the British Government. He has a formidable task ahead. We can only wish him well.

CROWNING BEQUESTS

The royal crowns of England are the purest national heritage

The crowns of George I and George IV should not be sold to a private buyer. They are starry emblems of what Bagehot called the dignified part of the constitution. Their proper home is in the brilliant new display of the Crown Jewels in the Tower of London. The National Art Collections Fund has already properly made a handsome contribution to keeping them in Britain. Yesterday Historic Royal Palaces, the agency that runs the Tower, recognised their importance by announcing a grant of £200,000 to their purchase. Other private and public funds must be used to match any other bids, estimated at less than £1 million. Historic crowns are a codicil of heritage that lottery money was intended for.

Not everything so called and campaigned vociferously for by the heritage industry can be accurately described as either national or heritage. Manuscripts of most authors are the inheritance of readers everywhere, and may often be better looked after in a foreign university that specialises in collecting a particular writer. Information technology will make the texts accessible to readers without the need to travel to Texas or Tokyo. Artists of the class of Turner and Constable were testators to the whole world, and prolific enough to have paintings to spare for galleries half the world away.

But our monarchy is an essential British institution, which we have evolved more successfully for longer than other nations. And its symbols, especially the crown, are an essential part of Britishness, from national logos such as postage stamps to the diplomatic theatre of state visits. William the Conqueror was not recognised as King of England until he had the crown put on his head in Westminster Abbey, fenced off by

his mailed minsters. Oliver Cromwell melted down the old regalia, not simply to raise money to pay his soldiers, but in order to destroy the baubles of kingship. And James II was so dazzled by his state plumage that he forgot the dying bird; he thought he could make government impossible by throwing the Great Seal in the Thames.

The current crowns of England are prohibited from being taken abroad. So a special crown, now one of the most striking glories of the Tower exhibition, had to be made for the Delhi durbars at which George V was crowned emperor.

These Hanoverian crowns may be awkward headgear, and stripped of their rented jewels. But in their rarity and beauty they are potent symbols of our national history, and its crowning experiences of coronations and openings of Parliament. In them can be read the mission statements of the new Hanoverian dynasty, the aesthetic tendencies of George IV, who introduced the native oak leaves and acorns to British crowns, and even his chronic improvidence, in his attempts to raise money by persuading his Government to buy his crown.

The Hall of Gems in the Smithsonian already has a number of mankind's oldest royal emblems to illustrate the republican dogma that any royal crown is likely to be a crown of thorns. As a consort's crown, Queen Adelaide's might be spared overseas as a roving advertisement for the real thing. But the Hanoverian crowns fell into private hands by carelessness and confusion between public and private royal possessions. It would be tasteless and indeed almost treason for them now to turn up on the head of some Hollywood celebrity. They should be pieces in the national treasure chest.

CREAM OF MANCHESTER

Michael Atherton bats and bats — and bats

Americans, Scots and other uncricketed peoples will wonder why such a fuss is being made about yesterday's Test match at Johannesburg — why, even, that *The Times* has a leading article on the subject this morning. For heaven's sake, some will say in bafflement, the game was only a draw. No one won, no one lost... and there was not a streaker in sight in five long days of sharp sunlight. Not one.

Yet the match illustrated why cricket, and Test cricket in particular, has such an epic quality — why, in fact, there is no other game invented by man which can equal the way in which cricket tells its story. The Test was drawn, of course; no one won and no one lost. But some of the most magnetic matches in the game's long and eventful history have been draws. That is one of the pleasures that make it incomprehensible to Americans.

None who were at Lord's in 1963, for example — and few of those who simply heard commentary over the wireless — will ever forget Wesley Hall and Cowdrey's arm in plaster. And none who were at the Wanderers ground in Johannesburg yesterday — or those in England who followed each ball of the story with the aid of satellite — will ever forget the innings played by our doughtiest Lancastrian.

Atherton's knock at the Wanderers will pass majestically into the game's folklore, all

the more memorable for its staunchly rearguard nature. In England, our taste in cricket mirrors our taste in life itself. It is always more honourable to battle a way out of trouble. The upper classes may once have shown a preference for effortless superiority, but as a nation we like a bit of a tussle from time to time.

Atherton's predecessor as captain, Graham Gooch, may have scored a triple century against India at Lord's some years ago, but the pickings in that knock were perhaps a little too easy for comfort. Yesterday's innings, by comparison, was smaller by about a century and a half, yet its glory lay in the supremacy of the batsman's effort. To abuse the imagery of war (a game with which cricket has sometimes been compared), Gooch's knock was a "turkey shoot" on the road to Basra; Atherton's innings was Dunkirk and the Battle of Britain.

Atherton never looked like he would get out. Had there been another session of play, England might even have scored an improbable victory over Hansie Cronje's enigmatic South Africans. But that is the stuff of pub-discourse and the speculation of fevered schoolboys. The Test match was drawn yesterday in a spirit of great nobility. Would a victory have been half as satisfying? Surely not.

Public health and concern over BSE

From Professor Emeritus M. J. O'Carroll

Sir, The Health Secretary and the Chief Medical Officer (report, December 4) have sought to provide reassurance about growing doubts on the safety of beef and beef products ("Concern over 'mad cow' disease prompts scientists to re-examine their eating habits", December 2). Even prominent scientists may differ, not only on the assessment of a risk but also on how to react to it.

The problem, as with so many health and environmental issues, is in the grey area when there is respectable evidence of possible risk, especially a small risk, but not sufficient for "proof" acceptable in government, industry or law. What then should public policy be?

What we get is delay. Vested interests fought a long battle before smoking and asbestos were accepted as causes of cancer. Bovine spongiform encephalopathy (BSE) and Creutzfeldt-Jakob disease (CJD), rather like sheep-dip poisoning and the possible dangers of fluoridation and electromagnetic fields, have become more controversial as evidence accumulates. The Government, despite public concern and mistrust, seems to remain inactive until it has a firm case.

There should be a framework for consistent policy-making, depending on the strength of evidence, the likely size of risk, the severity of effect, and the potential cost of avoidance. Such a framework could benefit government and its various specialist advisory bodies.

Where there seems to be a gap between unsupported evidence and proof of a cause, public concern calls for cautionary policy options.

Yours faithfully,
M. J. O'CARROLL,
Garden House,
Welbury, Northallerton
North Yorkshire,
December 4.

From the Minister of Agriculture, Fisheries and Food

Sir, Your editorial of December 2, "Health at stake", alleges a failure by the Government to face up to the risks posed by BSE and implies reckless disregard for the health of its citizens. Both suggestions are wrong.

The Government's absolute priority is to put public safety first. We have followed the advice from the real experts who work in this field and who have detailed knowledge in this very specialised area of science.

You urge heavy penalties where regulations are not properly implemented. These are in place and have been for many years; prosecutions will take place where we have the necessary evidence.

I must emphasise that there is no secret information which is being withheld. Every development is reported to Parliament, and I write personally to Opposition spokesmen to bring those matters to their attention. We also produce a six-monthly report drawing together all the developments and present it to Parliament and the public. The latest will be published in the next few days.

Our policy is based on an overriding concern for public health and openness in communicating relevant information. In conclusion, I draw to your attention a statement which the Government's Chief Medical Officer made on November 28: "There is currently no scientific evidence that BSE can be transmitted to humans or that eating beef causes CJD." He added: "I repeat my previous assurances that if any new evidence comes to light that BSE could transmit to humans, I will bring this to the attention of the public."

Yours sincerely,
DOUGLAS HOGG,
Ministry of Agriculture,
Fisheries and Food,
Whitehall Place, SW1,
December 4.

From The Times Cook

Sir, Do the "lean flank and forequarter boneless joints" in McDonald's burgers come from beef cattle, of which 15 per cent of all herds carry BSE infection, or dairy cattle where half the herds have been affected? I'm not sure I have ever seen this clarified.

Yours faithfully,
FRANCES BISSELL,
The Mill,
Tretwell, Lanivory, Cornwall,
December 4.

Lost in space

From Mr Reginald L. Williams

Sir, Professor Hawking is reported as saying that the universe is full of tiny black holes (letters, December 1). This comes as no surprise to me.

For some time now we have had a tiny black hole resident in this house. It wanders from room to room seeking matter which it may suck into the maw of its intense gravitational field — never to be seen again in this universe.

What Professor Hawking has so far failed to explain is why this matter should consist almost entirely of ball-point pens and odd socks.

Your faithfully,
REGINALD L. WILLIAMS,
Glendon House,
Woodborough,
Pewsey, Wiltshire,
December 1.

LETTERS TO THE EDITOR

1 Pennington Street, London E1 9XN Telephone 0171-782 5000

Open-minded approach to science

From Mr Ralph Blumenau

Sir, Why do scientists tend to be conformists, asks Matthew Parris (November 27). I think the answer is that, at least in the early stages of education, questions in mathematics and science, unlike questions in many of the arts subjects, are not open-ended, and the answers expected are either right or wrong.

Science and mathematics therefore tend initially to attract people who find certainty attractive and who are made uneasy by multiple possibilities; and such people are perhaps more likely to seek security in conformity and prejudice. It is only later, in the higher reaches of science and mathematics, that these subjects reveal rather less predictability.

However, we should also remember that scientists are well trained to expose prejudices of an unsentient nature. Whilst morals are one basis for social debate and social change, science often provides another.

Yours faithfully,
RALPH BLUMENAU,
111 Princes House,
50 Kensington Park Road, W11,
November 27.

From Professor Michael Baum

Sir, Certainly there are many bad scientists who have closed minds, just as there are many bad MPs who have open minds. However, the relative proportions of these different mind sets amongst two such respected professions is a subject worthy of scientific scrutiny.

If Mr Parris wants to pursue his fascinating theory objectively I would recommend that a questionnaire should be sent to all Conservative MPs asking them if they agree or disagree with the following statement: "I suspect that a market economy is good for the health of society but I could be wrong". In the same way all scientists should be asked whether they agree or disagree with the statement: "I suspect that the Conservative

Government has little liking or understanding of the scientific process but I could be wrong".

I would be prepared to put good money on the outcome.

Yours faithfully,
MICHAEL BAUM
(Consultant surgeon),
The Royal Marsden NHS Trust,
Fulham Road, SW3,
November 27.

From Mr Dominic Jenkin

Sir, Surely it is obvious to Matthew Parris that genes cause the stereotyped nature of scientists, just as they predispose the gay (as they themselves claim).

The desire to "step outside the ruling belief-system", while important, would result literally in anarchy if it predominated, and, as is a logical necessity, only a fraction can be effective in bringing about a profound change. So, regarding thinking, the predisposition of scientists is towards the prevailing rationale. Contrary to what fashion designers might think, conformity is not necessarily a mindless pursuit.

Yours faithfully,
D. JENKIN,
9 Chesham Court,
Trinity Road, Wandsworth, SW18,
November 27.

From Mr David Ford

Sir, I suspect Matthew Parris would search in vain for open minds and original thinking in the arts departments of our universities.

My experience, which is admittedly of more than ten years ago, is of a history department narrowly confined within a Marxist interpretation of history and students expressing little more than received cultural and political opinion.

Yours faithfully,
DAVID FORD,
25 Marlborough Road,
Shipley, West Yorkshire,
November 27.

Clinton in Ireland

From Mr D. J. M. Brian

Sir, Peter Brooks's cartoon today reflects suspicions that, in visiting Northern Ireland, President Clinton was "electioneering". I suggest that these, although they contain an element of truth, are missing the mark.

For years Northern Ireland has been perceived as a problematic backwater, a wrecker of reputations, a place that the politically astute would avoid at all costs.

Successful British prime ministers have sent their most troublesome ministers there in the knowledge that they would be out of the political mainstream, and unable to further their prospects.

In the past year one British and two Irish prime ministers have invested their own reputations, and no little time, in attempting to reverse this parlous state of affairs.

If the President of the United States is prepared to give their efforts the endorsement of treating Northern

Ireland as a vote winner, should we not welcome the fact?

Yours faithfully,
D. J. M. BRIAN,
106 St Mary's Road, Tonbridge, Kent,
December 1.

From Dr Ali Wassil

Sir, Born in India, an American citizen by choice, visiting Britain, I have listened to much love-hate about Americans from the British, and about the British from Americans — from amusing to vitriolic. It is a perennial family feud.

I was overjoyed to read your warm "Welcome to the President" (leading article, November 29) and your good will for his dedicated work for world peace. I believe an enlightened British-American relationship is a unique force for great good in our troubled fractured world, and needs our creative support.

Thank you.
Peace and joy to you.
ALI WASSIL,
109 Guilford Street, WC1.

Doubts on Post Office

From Mr Alan Johnson

Sir, Whilst I welcome the prominence given by *The Times* ("Threat to jobs at the Post Office", Business, December 1) to the increased demands which the Budget places upon the Post Office, you failed to refer to the Government's reply to the report from the Trade and Industry select committee, published only six months ago.

It was Michael Heseltine, then President of the Board of Trade, who told the House of Commons: "I am prepared to agree that in future we shall aim to set the EFL [external financing limit] at about half the Post Office's forecast post-tax profit. I hope to make progress in that direction this autumn (*Hansard*, May 11, col 885).

Rather than progress, I would suggest that what was revealed in the small print of the Budget was a cynical manoeuvre that will hit both the business and its customers alike. Moreover, this will undermine investment at a time when the Post Office is striving to enhance its world-class reputation in an expanding global postal market.

We hope that MPs of all political persuasions will object strongly to these measures and by doing so help restore some honesty and integrity to the political process.

Yours faithfully,
ALAN JOHNSON
(Joint General Secretary),
Communication Workers Union,
CWU House, Crescent Lane, SW4,
December 1.

Puccini in Peking

From Mrs C. Dresser

Sir, The China Central Opera Theatre in Beijing recently staged a superb production of Puccini's *Turandot*. Sung in audible and comprehensible Italian (no mean feat for Chinese singers) the first-class soloists and the meticulously trained chorus gave us a *Turandot* that compares most favourably with many Italian productions.

In view of the dismal performance of the opera given by the ENO ("What are you on about?", November 24) may I suggest that a visit here might be appropriate for its director, Chris-

topher Alden. I am sure that he could receive some valuable pointers from the Chinese Opera director, Mr Xu Xiaozhong.

Yours faithfully,
MINA DRESSER,
British Embassy,
11 Guang Hua Lu,
Jian Guo Men Wai, Beijing 100600,
November 29.

The sense of betrayal alluded to by Eric Reguly (report, December 1) arises from the apparent reversion to a system of target-setting which, in the last two financial years, resulted in transfers to the Government of sums equivalent to 75 per cent and 93 per cent of actual post-tax profits.

Yours sincerely,
JOHN HACKNEY, Chairman,
Post Office Users' National Council,
6 Hercules Road, SE1,
December 1.

There was a general welcome for Mr Heseltine's announcement in Parliament that the Government intended to change the external financing limit from an arbitrary cash levy by the Treasury on the Post Office into a "dividend" of about half the forecast post-tax profit.

Yours faithfully,
JOHN HACKNEY, Chairman,
Post Office Users' National Council,
6 Hercules Road, SE1,
December 1.

Letters for publication should carry contact telephone numbers. We regret that we cannot accept letters by telephone but they may be sent by fax to 0171-782 5046.

Trouble in finding sources of crime

From Dr Shirley Hodgson

Sir, It was with great dismay that I read your report, "Crime breeds crime..." (November 27), on Professor Lynn's suggestion that people with criminal records had larger families than average. This has uncomfortable echoes of the eugenics movement, with a huge potential for misinterpretation and misuse. What are the suggested remedies — sterilisation of all criminals?

If people with criminal tendencies have been consistently having more children than more law-abiding citizens, then over the centuries mankind should have become overrun by "criminal" individuals.

Could one not equally argue that crowded families cause poverty and an increased potential to turn to crime? What kind of crimes were committed? Perhaps criminals with smaller families are less likely to be caught? Has any attempt been made to correlate criminal records with other factors such as income or specific housing difficulties?

The fact that this study should have been initiated seems to me to be extremely worrying, particularly now that "behavioural" genes are being sought — and some found. We must take the greatest care when interpreting studies which could have such huge implications.

I have the honour to be, Sir, your obedient servant,
S. V. HODGSON,
Guy's Hospital Division of Medical and Molecular Genetics,
7th and 8th Floors, Guy's Tower,
St Thomas's Street, SE1,
November 28.

From Mr Tom Crompton

Sir, Whilst robbery may be perfectly consistent with the dubious morality of the selfish-gene, the potential repercussions of assertions that larceny is inheritable should prompt circumspection.

Professor Richard Lynn's claim that criminal parents have more children than their law-abiding counterparts is in itself unremarkable. To support the suggestion in his recent work that as a result "the genetic quality of the population will deteriorate", Professor Lynn must demonstrate a genetic basis for deviance.

Here his case rests entirely upon previous studies, most recently on twins. The assumption is that the greater coincidence of a criminal record between genetically identical twins (who have been brought up together, but share only half their genes) indicates a genetic predisposition to criminality. In practice, and as critics have been keen to point out, the common behaviour of identical twins may be attributed to similarity in upbringing and closer fraternal bonds, rather than shared genes.

Resolving the inheritable and environmental components of sociological characteristics is empirically (some would even claim theoretically) impossible. To attempt it makes for an impoverished biology.

Yours faithfully,
TOM CROMPTON,
University of Leicester,
Department of Genetics,
Leicester EL1 7RH,
November 28.

Duet for one

From Mr Michael Sunnucks

Sir, Your report (November 27, 28) that Aled Jones is making recording history by duetting his adult voice with his boyhood treble.

I am sorry to disappoint his publicists but between 1942 and 1950 I prepared and broadcast, on the old BBC Home Service record programme entitled *The Old Boy Songs*, on John Bonner, of Lincoln Cathedral, who had overlaid his bass baritone on a record originally made as a treble. The record featured the songs *Somewhere a Voice is Calling* and *Angels Guard Thee* and was of a very good standard.

Yours sincerely,
MICHAEL SUNNUCKS,
31 Sheppey Court, Halfway Road,
Sheerness, Kent.

From Mr Denis Moriarty

Sir, Before we all get too *animato* about Aled Jones singing a duet with himself, I would point out that as long ago as 1970 I directed a short film for BBC2 in which a young composer, Sebastian Forbes (himself an earlier boy soprano of promise) not only made his own arrangement of *Early One Morning* — with some rather soupy Messiaen-like harmonies thrown in — but sang and recorded all five vocal parts himself, from high soprano to basso profundo.

Yours faithfully,
DENIS MORIARTY,
17 Gloucester Street, SW1.

Free-range Christmas

From Mr David Treadwell

Sir, I was intrigued that Brigitte Bardot is to speak on the evils of turkey farming at 3pm on Christmas Day, to rival the Queen's Speech (report, November 28). Surely, to have maximum benefit, she should go on before lunch?

Yours faithfully,
DAVID TREADWELL,
2 Hayward Road, Oxford.

Leading manager concedes pressures of ITF could make him grey before his time

Leader of James gang lays down the law

Kevin James remembers the time before Kevin Keegan's hair was grey. Those were in his care-free days as a player; now he is the manager of Newcastle United, the team leading the FA Carling Premiership. For Mr James, being the manager of Kevin's Kickers, the team leading Interactive Team Football, carries the same kind of stresses and strains. At 40, his hair remains its natural colour, but he admits to having difficulty sleeping.

"All this has given me what seems a very real insight into what things must be like for Keegan," Mr James reveals. "And in many ways, being the leading manager in ITF is even more stressful. Keegan has a large squad of players to choose from, but I have more than 400."

Mr James takes his "job" very seriously and makes plenty of use of the ITF transfer system in his bid to remain on top of the pile. Keegan himself and Les Ferdinand, one of his players, have been the only ever-presenters in Kevin's Kickers. Otherwise, the side has been tailored according to the Premiership fixture list.

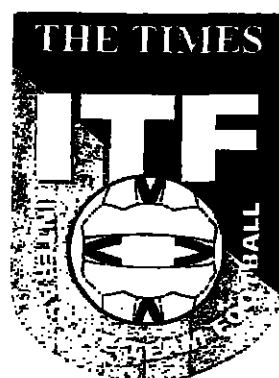
"I like to concentrate on a very solid defence," Mr James, from Gloucestershire, explains. "That is the basis of my success: I look on goal-scoring as a bonus."

"If the ITF was designed to be a good simulation of what it is like to be a manager, it has certainly succeeded as far as I am concerned. I spend hours agonising over my choice each week. But at the end of the day, just like Keegan, I am at the mercy of the fates and what happens on the pitch."

Mr James is adamant that he will not let personal bias affect his choice. More accurately, he cannot: his favourite team, Preston North End, are in the Third Division of the Endless League, a far cry from the Premiership.

Mr James is fast becoming a celebrity in Weymouth, where his father lives.

"I think if you were to check



IN ASSOCIATION WITH



If your team could be doing better, with your players lacking form and fitness, you can move into the transfer market to improve your fortunes. ITF has a transfer system which allows you to change up to two players each week. Which player you want to offload and who you replace him with is up to you, although you must replace the outgoing player with one from the same category (ie, a full back with a full back) and keep within your £35 million budget.

The ITF transfer system also allows you to adjust your team if one of your players is actually transferred out of the FA Carling Premiership. He would then no longer be eligible for ITF and would have to be replaced.

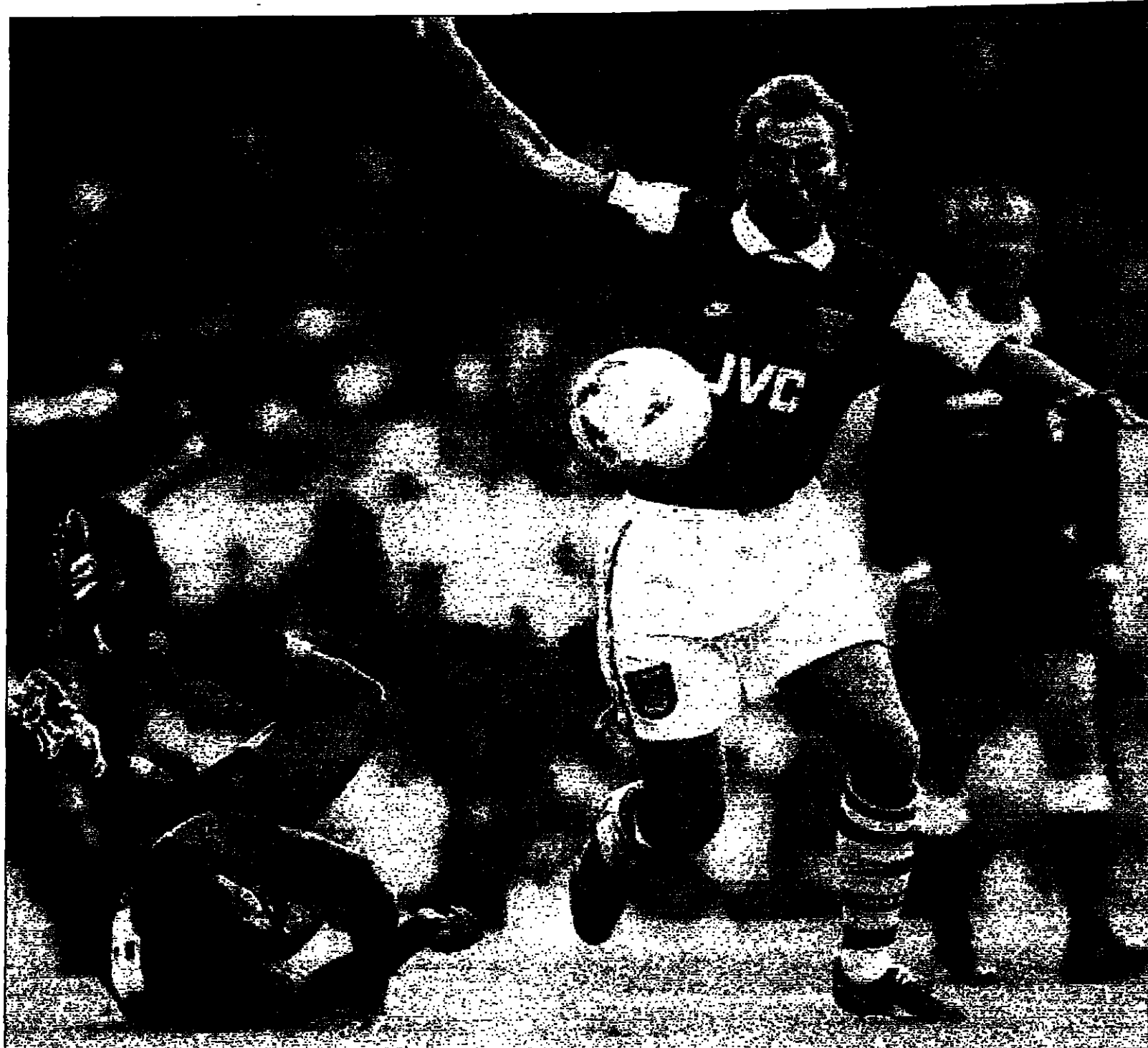
You can make transfers only by telephone. Using a Touch-tone (DTMF) telephone (most push-button telephones with a * and a hash key are Touch-tone), call the 0891 333 331 line during the times given. Calls will be charged at 39 pence per minute cheap rate, 49 pence per minute at other times. If you are calling from the Republic of Ireland, you must call 004 499 020 0631 and you will be charged at 58p per minute.

If you are lagging behind the leading team selectors, the transfer system will be an appealing option to you in the chase for the £50,000 prize or the monthly £500 prizes.

With ITF, not only are you pitting your selectorial skills against other readers of *The Times*, you are also matching your wits against those in the know. With the support of the Professional Footballers' Association, Premiership players have entered sides of their own, and Barry Horne, of Everton, gives his selection on the opposite page. Like him, you may spend £8 million on Matthew Le Tissier — but will he do better than cheaper alternatives?

All matches in the Premiership and those in the FA Cup involving Premiership clubs count and your players and manager win and lose you points. With Kevin's Kickers setting a remorseless pace at the top of the leaderboard, is it time for you to delve into the transfer market?

□ All transfer queries regarding Interactive Team Football should be directed to 0171 757 7016. All other inquiries about playing the game can be made on 01582 458 122.



David Platt is back from injury. Does his goal for Arsenal against Aston Villa on Saturday signify an upturn in his fortunes in the ITF?

HOW THE SCORING SYSTEM WORKS IN ITF

All FA Carling Premiership and FA Cup matches in the 1995-96 season count for points. Every goal and penalty counts.

POINTS SCORED			
Goalkeeper	4pts	Striker	2pts
Keeps clean sheet*	3pts	Scores goal	1pt
Full back/Central defender	3pts	All players	1pt
Keeps clean sheet*	3pts	Apprentice	1pt
Scores goal	3pts	Manager	3pts
Midfield player	1pt	Team wins	1pt
Keeps clean sheet*	2pts	Team draws	1pt
Scores goal	2pts		

POINTS DEDUCTED			
Goalkeeper	2pts	Booked	1pt
Concedes goal	2pts	Concedes penalty	1pt
Full back/Central defender	1pt	Misses penalty	1pt
Concedes goal	1pt	Scores own goal	1pt
All players	3pts	Manager	1pt
Sent off	3pts	Team loses	1pt

* must have played for 75 minutes in the match
† must have played for 45 minutes in the match

HOW TO MAKE A TRANSFER IN ITF

Call 0891 333 331

*Calls cost (per minute) 39p cheap rate, 49p other times. Rep. 58p.

If calling from the Republic of Ireland, call 004 499 020 0631

You can make transfers only by telephone using a Touch-tone (DTMF) telephone (most push-button telephones with a * and a hash key are Touch-tone). You will need your four-digit selector's PIN, which must be typed in and not spoken. Follow the simple instructions and use the players' five-digit codes.

The line is open from 6am on Tuesday until 11am on Saturday; from 6pm on Saturday to 11am on Sunday and from 6pm on Sunday until 3pm on Monday. If there are midweek matches, the line will also close at 3pm on the day of the match (or matches) and re-open the following day at 6am.

You may make up to (but no more than) two transfers a week. Each transfer is a separate transaction and you must call a player before you can buy one.

A player transferred out of your team must be replaced by a player from the same category — for example a full back for a full back.

When purchasing a player you must ensure that the team value still falls within your £35 million budget (even if your next transfer would result in an overspend) and does not contain more than two individuals (two players or one player and a manager) from the same club.

Your new player only starts to score points for you when his transfer is registered. The score of the player transferred out is taken at the time of transfer; he then ceases to score for you.

Player out	Player code
Club	
Player in	
Club	

THE WEEK'S TRANSFERS IN ITF			
Code	Player	Club	Value
50105	N Goodmundson	Blackburn	£2.0m
OUT			
Code	Player	Club	Value
20504	K Sharp	Leeds United	£0.5m
50505	J Forrester	Leeds United	£0.5m

THE LEADING 250 SELECTORS IN INTERACTIVE TEAM FOOTBALL

Pos	Team	(Player's name)	Pts
1	Kevin's Kickers	(K James)	308
2	Stevens Lions 5	(S Brewer)	281
3	Gohills Gods 65	(Mr B Gohill)	279
4	They're Here	(Mr P Johnson)	278
5	Tommy Cockles XI	(P Johnson)	278
6	Al's Alarans	(A Hancock)	277
7	Teddy Five	(Mr B Bear)	277
8	Rosies Supers	(P Sutton)	275
9	Barnet FC	(Mr P Johnson)	274
10	Jones Boys XI	(M Jones)	274
11	Twilight United	(P C Ollworth)	274
12	The Young Guns	(B Shepherd)	273
13	Jessies Devils 4	(Mr A Nodison)	273
14	Stevens Lions 7	(S Brewer)	271
15	My Cat Bailey	(Mr P Johnson)	270
16	Nigella Right Foot	(Mr D Patel)	270
17	OHME	(R Mathewson)	269
18	Gary Pearce	(D Pearce)	269
19	Tyres Blue Noses	(Mr S Tye)	268
20	Armsch	(A Mathewson)	268
21	M I Blues	(P C Hardon)	266
22	Transporter	(A Jenkinson)	266
23	Rosedale Rangers	(Mr D Green)	266
24	Phyco And Smithers	(K Booth)	265
25	Sunderland Stars	(K Brown)	264
26	London's Longshots	(G London)	264
27	Fargies XI	(P Simpson)	264
28	Jaynes Jugs	(K Hughes)	263
29	Phylic TV	(T Vardy)	263
30	Long Live The Queen	(L Wilson)	263
31	No Defence OK	(J B Portwood)	263
32	Beardsleys Hair	(Mr P Johnson)	263
33	Gary's Heroes	(Gary Johnson)	263
34	Waldon Wanderers	(S Law)	262
35	Noodles Beas	(S Cozens)	261
36	Partisans	(E Donald)	261
37	Bassetts Bouncers	(J Hurd)	261
38	Madrid Knights	(R Jenkinson)	261
39	Brooksbrough	(G Brooks)	261
40	Barnet Sky Cole	(Mr P Johnson)	260
41	Mercer's Men	(D Bowdoin)	260
42	Selfish Rangers	(Mr D Crowe)	260
43	Nirvana FC	(Mr J Donovan)	259
44	Barnwell United	(R Barnham)	259
45	Mix United	(T McCusker)	259
46	Mean Machine	(Ramesh Patel)	259
47	Jessmond 1890	(Murray)	259
48	Harrington Inter	(Mr D Lovell)	258
49	Formby Flyers	(A Norton)	258
50	No Fear Ltd	(P Saunders)	257
51	Reddy	(G Thompson)	257
52	Firefly City	(I Harrison)	257
53	Fair Fair Flapstar	(C Woodward)	257
54	The UK Beavers	(J Elkins)	257
55	Francis Caldwell FC	(F Caldwell)	257
56	Glou In The Dark	(J Smith)	257
57	Melba Skill Monsters	(M Meldrum)	256
58	Milka Dream Team	(M Armstrong)	256
59	Lemonies	(Mr P Gregor)	256
60	Bleary Dynamo	(L Gilbert)	256
61	Shrew Voles	(H Brasher)	256
62	Sool Ltd	(G Scollick)	255
63	MGM	(M Morgan)	255
64	The Cake Eaters	(Mr S Hughes)	255
65	Nanou	(G Bandjelan)	254
66	Stevens Lions 6	(S Brewer)	254
67	Goal Diggers	(C Stacey)	254
68	Percy's Progress	(M Persich)	254
69	The Black Knights	(R A Green)	254



Dennis Wise, of Chelsea, has scored 26 points in ITF

113	Warren Wizards	(J Buckle)	249
114	Winters Wanderers	(Mr A F Winter)	249
115	Real Athletic	(Mrs G Keynes)	249
116	Supaboyz 3	(G O'Donnell)	249
117	Death Or Glory Boys	(J T Luckman)	249
118	Worship Warriors	(P Shanks)	249
119	Here We Go	(Mr S Smith)	249
120	Newcastle Browns 2	(Mr MacLennan)	249
121	Choppers Eleven	(Mr P Chambers)	249
122	Soud 4	(P Hymas)	248
123	The Wee One Too	(A Nelson)	248
124	Locasta	(S Daly)	248
125	Neil's Noddies	(Mr B O'Sullivan)	248
126	Minnow United	(Mr H Ward)	248
127	Worship Warriors	(P Shanks)	248
128	OPR Auctioneers A	(S Kempster)	248
129	Malcolm Hair XI	(C Wilcox)	248
130	Edrops United	(R Edmondson)	248
131	Goatee Softboard	(C Arncliffe)	248
132	ADP Sign Steamer	(A R Howse)	248
133	Waldon Wanderers	(Mr P Johnson)	248
134	Synthetic Dozer	(P Elridge)	248
135	Oncaibluemoon	(Mr J Donaldson)	248
136	Dwynys Dribblers	(Mr D Clarke)	248
137	Overhill Rovers	(A J Philcox)	248
138	Alan Sugars Hugo Ego	(Mr M James)	247
139	Quinton Forest	(Neil Emmerson)	247
140	Worship Warriors	(J Hall)	247
141	Gales Champions	(M Gale)	247
142	Morse The Pud	(Mr I Patrick)	247
143	The Masked Turnips	(Mr D P Waddy)	247
144	Lucas Rovers 3	(N Butler)	247
145	Stevens Lions 8	(S Brewer)	247
146	Hall Ltd	(T Hall)	247
147	Ruful Rabbits	(J Whistley)	247
148	The Subjugators	(Mr P Ayres)	247
149	Born In Tashkent	(J Broadsmith)	247
150	Not Got A Chance	(Mr D Mc Mahon)	247
151	Jones Boys Four	(M Clark)	247
152	Kims Kickers	(G M Jones)	247
153	Royals Blues	(G Sutton)	247
154	Aberspurs	(G Taylor)	247
155	View Forest	(G Shand)	247
156	The James Gang	(Mr J Taylor)	247
157	Chipmunks	(A Norton)	247
158	Ramsay Rovers	(Mrs S Hancock)	247
159	Allstars	(P Hill)	247
160	Goals Please	(Mr W P Davisworth)	247
161	Cameron Athan	(A Gooch)	247
162	Minnow United	(Mr J R Reader)	247
163	Dreamer Fifth	(L M Jones)	247
164	Adams Man Or God 4	(Mr G Wesson)	247
165	Tomb United	(R Pike)	247
166	Kingsland Rovers	(T Butts)	247
167	Lesdown City	(F Harris)	247
168	MS Allstars	(M Stannan)	247
169	Good Work Fella	(J Cook)	247
170	Al Joul Fox	(Mr J Reader)	247
171	Either My Lovely	(Mr P Johnson)	247
172	Being Being Buggy	(T Horne)	247
173	Partick Thistle	(C Nicol)	247
174	Rory's Rovers	(J Weall)	247
175	Albany Villa	(J S Dhesi)	247
176	Rapid Overton	(A Overton)	247
177	Willington United	(W Lu)	247
178	Force	(W Gayle)	247
179	Walsley AFC	(Mr D S Walsh)	247
180	Dirty Boogers	(G Fallowfield)	247
181	Smit ITF	(Mr F Arnone)	247
182	Dyffarny Mall	(Dr Owen)	243
183	I Love Esther	(Mr P Johnson)	243
184	Merts Mats 20	(Mr M Hild)	243
185	Beluchtherum	(J Cross)	243
186	Don't Give It To Him	(Mr N M Moore)	243
187	Why Danny Dicho	(R James)	243
188	Tabletoppers XI	(D Marsh)	243
189	Terry's Tigers	(M Greenall)	243
190	Herbert's Heroes	(M Long)	243
191	The Losing Battle	(M Moore)	243
192	Sewern Legal	(D Patten Jnr)	243
193	Aldermore FC	(Mrs E A Crossley)	243
194	Sack A Forgusson	(Mr A P Jacobucci)	243
195	Tango Tacklers	(Mr G C Fogel)	243
196	Khamashin Shilsee	(Mr A P Jacobucci)	243
197	Jacobooks FC	(K Doughty)	243
198	Sporting Sliders	(Mr G Crutchley)	243
199	Fantasy Football	(A Forman)	243
200	Forman's Fleet	(R Rackway)	243
201	The Midfield	(E Scott)	241
202	Doppelgangers XI	(A Draper)	241
203	Just For Fun	(Mr B Nicholson)	241
204	Fish	(D Gennery)	241
205	Crofton Rangers	(G Moss)	241
206	Iscream And Rhubarb	(P Payne)	241
207	Champs XI	(M Long)	241
208	Adams Man Or God 1	(R Pike)	241
209	Real Freytag FC	(R Fleming)	241
210	Go Go Champions	(L Stott)	241
211	Resell 1	(D Shuter)	241
212	Vesuvio	(G Bachelier)	241
213	Oh There It Is!	(P Jones)	241
214	Budgies	(M Compton)	241
215	Woodford Rangers	(J Hawkins)	241
216	Rob's Radford Rovers	(R Cook)	241
217	Power House	(A Jassa)	241
218	Roch's Rebels	(Ms Stillwell)	241
219	Denmarkians	(Mr V Gillard)	241
220	Score A Bundle	(S A Billingham)	241
221	Outsiders	(C All-Hornans)	241
222	Radford Rovers	(A Radford)	241
223	The Talent	(S Cole)	241
224	Resell 3	(D Shuter)	241
225	Fantasy Flops?	(P Price)	241
226	Dicks Dudes	(R Wilson)	241
227	Backyard Babes	(D J Reader)	241
228	Kimberly's Kickers	(Ms K Whitely)	241
229	St Mary's Saint	(A Brough)	241
230	The Good Bad & Ugly	(K Brough)	241
231	Adam's Athletic	(A Moore)	241
232	Morton's Men FC	(R P Crook)	241
233	Crafty Crooks	(R Marlow)	241
234	Fedora Daze	(Mrs M Nicholson)	241
235	Mo's Magic XI	(Mr R Layton)	241
236	Laytons Lions	(Mr G W Smith)	241
237	Ayresome Rangers	(M Sladden)	241
238	Adams' Sneakers	(N Gliddings)	241
239	Than United	(C Yates)	241
240	Co's Dart Team	(J Hayes)	241
241	Jims XI	(Mr A Weston)	241
242	The Cutting Edge	(B Whitney)	241
243	Georgi Best	(M Priestley)	241
244	Map 6	(Mr S Taylor)	241
245	One Way United	(Mr W H Bell)	241
246	La Caprice	(E Pryce)	241
247	Highbury Ltd		241

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The players' weekly and overall scores and their values if you are considering the transfer option

Code	Name	Team	Em	Pts	Wk	OV
10101	T Flowers	Blackburn Rovers	5.00	-3	-14	
10102	B Mims	Blackburn Rovers	1.00	0	-1	
10201	P Schmeichel	Manchester United	5.00	-1	+6	
10301	M Crossley	Nottingham Forest	2.50	-2	-17	
10302	T Wright	Nottingham Forest	1.00	0	0	
10401	D James	Liverpool	3.50	-1	+9	
10402	A Warner	Liverpool	0.25	0	0	
10501	J Lukic	Leeds United	3.00	-1	+1	
10502	M Beoney	Leeds United	0.75	0	0	
10601	P Smoek	Newcastle United	3.00	0	0	
10602	M Hooper	Newcastle United	1.00	0	0	
10603	S Hlop	Newcastle United	3.00	-5	+4	
10701	I Walker	Tottenham Hotspur	2.50	+5	-7	
10702	E Thorstvedt	Tottenham Hotspur	1.00	0	0	
10801	A Roberts	Queens Park Rangers	1.50	0	-7	
10802	S Dykstra	Queens Park Rangers	1.00	0	0	
10803	J Sommer	Queens Park Rangers	1.00	-1	-17	
10901	H Segers	Wimbledon	1.50	0	0	
10902	N Sullivan	Wimbledon	0.75	0	0	
10903	P Heald	Wimbledon	1.50	-5	-35	
11001	B Grobbelaar	Southampton	1.50	0	0	
11002	D Beasant	Southampton	0.75	-1	-16	
11101	D Kharine	Chelsea	2.50	-1	+7	
11102	K Hitchcock	Chelsea	1.00	0	0	
11201	D Seaman	Arsenal	5.00	-1	+26	
11202	V Bartram	Arsenal	0.50	0	0	
11301	K Pressman	Sheffield Wednesday	2.50	0	-9	
11302	C Woods	Sheffield Wednesday	2.50	0	0	
11401	L Mladik	West Ham United	2.50	-7	-1	
11402	L Sealey	West Ham United	0.50	0	0	
11501	N Southall	Everton	2.50	+5	+2	
11502	J Kearn	Everton	0.75	0	0	
11601	S Ogilvie	Coventry City	1.50	0	-13	
11602	J Gould	Coventry City	0.75	0	0	
11701	J Folan	Coventry City	1.50	0	-28	
11702	A Coton	Manchester City	2.50	0	0	
11703	A Dibble	Manchester City	2.50	0	0	
11704	E Immet	Manchester City	2.00	+5	-4	
11801	M Bosnich	Aston Villa	2.50	-1	+16	
11802	N Spink	Aston Villa	1.00	0	0	
11901	A Miller	Middlesbrough	2.00	0	+3	
11902	G Walsh	Middlesbrough	0.75	-1	+20	
12001	K Branagan	Bolton Wanderers	0.50	-1	-42	
12002	A Davison	Bolton Wanderers	0.50	0	0	

Code	Name	Team	Em	Pts	Wk	OV
20101	H Berg	Blackburn Rovers	3.50	-2	+3	
20102	G Le Saux	Blackburn Rovers	4.50	-1	+6	
20103	J Kenna	Blackburn Rovers	3.50	-1	+8	
20201	D Irwin	Manchester United	4.50	0	+12	
20202	P Parke	Manchester United	2.50	0	+6	
20203	G Neville	Manchester United	2.50	-1	+1	
20204	P Neville	Manchester United	0.75	0	+5	
20301	S Pearce	Nottingham Forest	4.50	0	+8	
20302	D Lytle	Nottingham Forest	3.00	0	+5	
20303	A Haslam	Nottingham Forest	1.00	-1	-8	
20401	R Jones	Liverpool	3.00	0	+16	
20402	S Borneby	Liverpool	3.00	0	0	
20403	S Harkness	Liverpool	0.75	0	+19	
20501	T Dorico	Leeds United	3.50	0	+9	
20502	G Kelly	Leeds United	3.00	0	+8	
20503	N Worthington	Leeds United	1.50	0	-1	
20601	J Beresford	Newcastle United	3.00	-2	+17	
20602	M Hottiger	Newcastle United	3.00	0	0	
20603	W Barton	Newcastle United	3.00	-2	+16	
20701	W Austin	Tottenham Hotspur	2.50	+4	+4	
20702	J Edinburgh	Tottenham Hotspur	1.50	0	-3	
20703	S Campbell	Tottenham Hotspur	1.50	+4	+10	
20704	D Kerslake	Tottenham Hotspur	1.00	0	0	
20705	C Wilson	Tottenham Hotspur	2.00	0	-4	
20801	D Bardsley	Queens Park Rangers	2.00	0	-5	
20802	R Brevelt	Queens Park Rangers	1.50	0	-4	
20803	N Zelic	Queens Park Rangers	2.50	0	-3	
20901	A Kimble	Wimbledon	2.50	-2	-2	
20902	G Elkins	Wimbledon	1.50	0	-8	
20903	K Cunningham	Wimbledon	1.50	-2	-11	
20904	R Joseph	Wimbledon	0.75	0	0	
21001	J Dodd	Southampton	1.50	-1	+8	
21002	F Benall	Southampton	1.00	0	+2	
21003	S Charlton	Southampton	1.00	-1	0	
21101	S Clarke	Chelsea	1.50	0	+3	
21102	S Minto	Chelsea	1.50	0	+3	
21103	G Hall	Chelsea	0.50	-1	+9	
21104	A Myers	Chelsea	0.50	0	+9	
21105	T Pheasant	Chelsea	1.50	0	-5	
21106	D Petrescu	Chelsea	2.50	0	+4	
21201	L Dixon	Arsenal	3.00	+2	+25	
21202	N Winterburn	Arsenal	1.50	0	0	
21203	S Morrow	Arsenal	1.50	0	0	
21301	I Nolan	Sheffield Wednesday	2.50	0	+8	
21302	P Atherton	Sheffield Wednesday	2.50	0	+2	
21401	J Dicks	West Ham United	3.50	-1	+3	
21402	T Breacker	West Ham United	3.00	-3	-5	
21403	K Brown	West Ham United	0.75	0	0	
21404	K Rowland	West Ham United	0.75	0	+10	
21501	G Ablett	Everton	2.50	0	+10	
21502	E Barrett	Everton	2.50	0	+4	
21503	M Jackson	Everton	1.50	+4	+10	
21504	P Holmes	Everton	0.50	0	-2	
21601	D Burrows	Coventry City	1.50	0	0	
21602	A Pickering	Coventry City	1.00	0	-3	
21603	S Morgan	Coventry City	0.75	0	0	
21604	M Hall	Coventry City	0.75	0	+17	
21701	R Edgill	Manchester City	1.50	0	-1	
21702	D Brightwell	Manchester City	0.75	0	0	
21703	J Foster	Manchester City	0.75	0	-1	
21801	G Charles	Aston Villa	2.50	0	+22	
21802	S Staunton	Aston Villa	4.50	0	+3	
21803	A Wright	Aston Villa	2.50	0	+22	
21804	P King	Aston Villa	0.50	0	0	
21805	B Small	Aston Villa	0.50	0	0	
21901	C Blackmore	Middlesbrough	0.75	0	0	
21902	N Cox	Middlesbrough	1.00	0	+26	
21903	C Morris	Middlesbrough	0.75	+2	+24	
21904	C Fleming	Middlesbrough	0.50	0	0	
22001	G Bergeson	Bolton Wanderers	0.50	0	-13	
22002	S Green	Bolton Wanderers	0.25	0	-1	
22003	J Phillips	Bolton Wanderers	0.75	0	-14	
22004	A Todd	Bolton Wanderers	0.75	0	-2	
22005	S McAnespie	Bolton Wanderers	0.50	0	+1	

Code	Name	Team	Em	Pts	Wk	OV
30101	C Hendry	Blackburn Rovers	4.50	+1	+9	
30102	I Pearce	Blackburn Rovers	3.50	0	+3	
30103	N Markar	Blackburn Rovers	0.50	0	0	
30104	A Reed	Blackburn Rovers	0.75	0	0	
30201	S Bruce	Manchester United	4.50	0	+15	
30202	G Pallister	Manchester United	4.50	-1	+17	
30203	D May	Manchester United	1.50	0	0	
30301	C Cooper	Nottingham Forest	3.00	-1	0	
30302	S Chellie	Nottingham Forest	3.00	0	+17	
30401	P Babb	Liverpool	3.50	0	-21	
30402	N Ruddock	Liverpool	3.50	0	+3	
30403	J Scales	Liverpool	1.00	0	+16	
30404	M Wright	Liverpool	0.75	0	+4	
30405	D Matteo	Liverpool	3.50	0	+14	
30501	D Wetherall	Leeds United	3.00	0	+11	
30502	C Palmer	Leeds United	1.50	0	-1	
30503	J Pemberton	Leeds United	1.00	0	-1	
30504	P Beesley	Leeds United	1.50	-1	+2	
30505	R Johnson	Leeds United	4.00	0	+3	
30601	P Albert	Newcastle United	3.00	-3	+19	
30602	S Howey	Newcastle United	3.00	-2	+18	
30603	D Peacock	Newcastle United	2.50	+3	+8	
30701	G Mabbitt	Tottenham Hotspur	0.75	0	-1	
30702	C Calderwood	Tottenham Hotspur	2.50	0	0	
30703	S Nethercott	Tottenham Hotspur	0.75	0	0	
30704	K Scott	Tottenham Hotspur	0.50	0	0	
30705	J Cundy	Tottenham Hotspur	0.50	0	0	



Horne's international experience with Wales led him to make Marc Degryse, of Belgium, one of his ITF strikers

Horne sounds alarm

Barry Horne, the Everton and Wales midfielder, explains his ITF selection

WHEN I first started picking my team, I wasn't taking it too seriously, but I did want to pick a reasonable side and see how well I could do. I was alarmed at how difficult it was to restrict the cost of your side to the £35 million allowed. The best way to go was to select players who could all score.

When you look at who I have picked, they can all get goals and they can all score points for me. Southampton may not have the best defensive record, but Richard Hall is always dangerous on set plays and he was cheap, which helped. Roy Keane's strength is running on to things from midfield and I think everyone in that Manchester United team is capable of scoring, so he was going to earn me points. As for Chris Waddle, there is not a lot more needs to be said about his talents.

Admittedly, I chose my team at the start of the season and I have not made any changes since. Some of the things I expected to happen have not quite gone according to plan, but when my players have been on the pitch they have done well for me.

My biggest buy was Matthew Le Tissier. We have been mates for the last six or seven years, so I know what he is capable of and know his form will improve. He is going through a bit of a barren spell and Southampton are not

having the best of times. When Matt does well, Southampton do well.

He has been at the centre of so much media speculation recently, all the "will he, won't he" stories, that it cannot be easy for him. These days the game is so tough at the top level that anything that detracts from your game, even by a few per cent, makes a difference. You have to be on top of your game all the time.

But I know Matt, and I know he will not let it get to him. He has scored 20-plus

goals for the last few seasons so I have confidence in him. Still, I may get on the phone to him and tell him to hurry up and pull his finger out.

I picked Marc Degryse alongside Matt because I know him from international matches. At Wales we have a good record against Belgium, but they did beat us 2-0 once and he got both goals that time. I knew he was a player of international quality and that he was a great finisher. At the start of the season I thought Sheffield Wednesday would be an attacking side and, if they created the chances, he would put them away. But they have not done as well as I thought and Degryse has not played as much as I would have hoped.

In midfield, I thought Mark Draper was a good bet. Aston Villa are going well at the moment and although Draper has scored a fair few points for me, I thought he would do even better. When it came to Andy Impey, he was the last place to fill in the team. He was a good buy at £1.5 million and he has looked strong and dangerous whenever I've seen him play.

When I was arranging the defence, I thought Liverpool looked strong at the back and would keep a few clean sheets so I picked David James in goal and Neil Ruddock. I could have gone for any number of goalkeepers, but James had a very solid look to him.

HORNE'S SELECTION

Goalkeeper:	D James	(Liverpool)	£3.5m
Full backs:	D Burrows	(Coventry)	£1.5m
	W Barton	(Newcastle)	£3m
Centre backs:	N Ruddock	(Liverpool)	£5.5m
	R Hall	(Southampton)	£1.5m
Midfielders:	M Draper	(Aston Villa)	£2.5m
	A Impey	(QPR)	£1.5m
	R Keane	(Man Utd)	£2.5m
	C Waddle	(Sheff Wed)	£2.5m
Strikers:	M Le Tissier	(Southampton)	£9m
	M Degryse	(Sheff Wed)	£3m
Manager:	J Royle	(Everton)	£2m

CENTRAL DEFENDERS

Code	Name	Team	Em	Pts	Wk	OV
30801	D Maddix	Queens Park Rangers	1.50	0	-7	
30802	S Yates	Queens Park Rangers	1.50	0	-5	
30803	A McDonald	Queens Park Rangers	2.00	+3	+3	
30805	K Reedy	Queens Park Rangers	0.75	-1	-6	
30901	A Reeves	Wimbledon	0.75	0	-1	
30902	A Thorn	Wimbledon	0.75	0	-8	
30903	S Fitzgerald	Wimbledon	0.75	0	-8	
30904	C Perry	Wimbledon	1.00	-2	-16	
30905	A Pearce	Wimbledon	2.50	-2	-2	
31001	K Monkou	Southampton	1.50	-1	-1	
31002	A Neilson	Southampton	1.50	0	+7	
31003	R Hall	Southampton	1.50	0	+2	
31004	E Johnson	Chelsea	1.50	0	+14	
31005	J Kildjberg	Chelsea	1.50	0	0	
31006	F Sinclair	Chelsea	2.00	0	+3	
31007	D Lee	Chelsea	0.75	-1	+10	
31201	T Adams	Arsenal	4.50	0	+29	
31202	S Boulton	Arsenal	3.00	-1	+24	
31203	M Keown	Arsenal	1.50	0	+18	
31204	A Linighan	Arsenal	1.50	0	0	
31301	D Walker	Sheffield Wednesday	2.50	0	+9	
31401	S Potts	West Ham United	2.50	-3	+11	
31402	M Ripper	West Ham United	2.50	-3	+8	
31403	A Martin	West Ham United	1.00	0	+21	
31405	A Whitbread	West Ham United	0.50	0	0	
31501	D Unsworth	Everton	2.50	+4	+9	
31502	D Watson	Everton	2.50	+4	+11	
31503	C Short	Everton	2.50	+1	+5	
31602	D Rennie	Coventry City	0.75	0	-9	
31603	D Busst	Coventry City	0.75	0	-2	
31604	B Borrows	Coventry City	1.50	0	-9	
31605	R Shaw	Coventry City	1.50	0	-8	
31701	K Currie	Manchester City	1.50	+3	+8	
31702	A Kermaghan	Manchester City	1.00	0	-1	
31703	M Vonk	Manchester City	1.00	0	0	
31704	K Symons	Manchester City	1.50	+4	+8	
31801	U Ehoagu	Aston Villa	2.50	0	+20	
31802	P McGrath	Aston Villa	1.50	0	+11	
31804	C Tiler	Aston Villa	0.75	0	+1	
31901	N Pearson	Middlesbrough	0.75	-1	-21	
31902	S Vickers	Middlesbrough	0.75	0	+30	
31903	P Whelan	Middlesbrough	0.75	0	-3	
31804	D Whelan	Middlesbrough	1.50	0	+19	
32001	C Stubbs	Bolton Wanderers	1.50	-1	0	
32002	C Fairclough	Bolton Wanderers	1.50	0	-14	
32003	S Coleman	Bolton Wanderers	0.75	0	0	
32004	G Taggart	Bolton Wanderers	1.50	0	-6	
32005	G Stronach	Bolton Wanderers	0.50	0	0	

1520



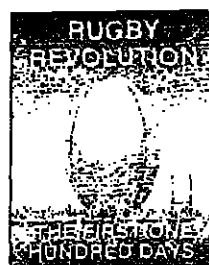
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Trying to get under the surface of Vermeer's world



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Can the courts prevent age discrimination?



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Looking to profits in rugby union's brave new world

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THE TIMES

BUSINESS EDITOR Lindsay Cook

TUESDAY DECEMBER 5 1995

Forte plotting demerger to stop Granada

By ERIC REGULY

FORTE is to demerge its restaurants and sell its stake in the Savoy Hotel group in the campaign to thwart a £3.3 billion hostile takeover bid by Granada.

Forte said that splitting the company would create one of the world's largest international hotel groups and Britain's largest listed restaurant business. Existing Forte shareholders will get a share in each business if Granada's bid is failed, allowing the restructuring to proceed.

Sir Rocco Forte, chairman, said the demerger had been planned since August and would have been announced in the spring had Granada not launched its hostile takeover bid on November 22.

The demerger, he said,

means that the two companies could focus solely on extracting value from their own businesses. "There is no advantage of sitting on both businesses. There's no real synergy between them."

Gerry Robinson, chief executive of Granada, called the plan a "bold but desperate" attempt to keep the company independent. Investors apparently were not convinced that the demerger strategy is enough to squeeze a higher offer out of Granada. Forte shares closed at 338p, down 4p, against Granada's cash offer of 321.7p.

Mr Robinson said "to be splitting these two businesses is ludicrous", because hotels and restaurants go hand in hand. About 40 per cent of a hotel's income is derived from

food and beverage sales and these synergies would be lost through a demerger, he said.

Forte revealed few details about the proposed demerger, other than to say that he would remain as chairman of the hotels company; the restaurants would have to find their own management. It is not known how the group's £1.3 billion in debt would be apportioned. More information is likely to be contained in the company's defence document, due to be published on Thursday or Friday.

Sir Rocco said the demerger would be cancelled if he could find a buyer for the restaurants, which include the Little Chef, Happy Eater, Welcome Break and Côté chains in Britain and France. "We have had a number of approaches on the restaurants," he said.

Mr Robinson said Granada would not be likely to bid separately for the hotels, even if its bid fails, because they are more valuable in a group.

Granada was less critical of Forte's intention to sell or demerge Savoy Hotel group, which operates the Savoy itself, the Connaught, the Berkeley and Claridges. Forte owns 66 per cent of the group, but lacks voting control.

Granada said that it would sell some of the "trophy" hotels, including the Savoy group. It suggested that the Forte family, which owns 8 per cent of Forte, was attached to the trophy hotels for no reason other than their glamour.

Sir Rocco, however, dismissed the allegation as nonsense. He said: "I'm not emotionally attached to the Savoy. The market for trophy hotels is changing and I would have been completely crazy to sell them two years ago."

The market values the Savoy group at about £300 million. The decision to sell it marks a surprising about-face for Sir Rocco and Lord Forte, his father, who built most of the empire inherited by his son. They made an abortive takeover attempt for the Savoy in 1981 and have been trying to gain voting control ever since.

Savoy stake, page 5
Pennington, page 27
Demerger card, page 29

Extended talks bring second super utility



Paul Twamley, finance director, left, with Iain Evans, and Graham Hawker, chief executive. Photo: Martin Beddall

Swalec agrees to new £872m bid terms from Welsh Water

By CHRISTINE BUCKLEY

ANOTHER electricity company yesterday fell to a predator after South Wales Electricity ended weeks of speculation and finally agreed to a £872 million offer from its neighbour Welsh Water.

The recommended offer, reached late on Sunday night after round-the-clock talks, will create the country's second super utility, providing two essential services. The Labour Party immediately called for the bid to be referred to the Monopolies and Mergers Committee and the move again sparked concern from unions.

Although the takeover of Norweb by North West Water has set the precedent of a super utility, Labour is arguing against Welsh's bid on the grounds that the water company itself is not open to a bid as it is the only one of the 22 privatised regional electricity

and water companies that has a 15 per cent maximum shareholding in its articles of association. It is thus takeover proof.

Rhodri Morgan, Labour spokesman on Welsh affairs, and Kim Howells, spokesman on competition policy, said: "This merger is quite unlike the North West Water takeover of Norweb recently agreed without a reference to the MMC. Welsh Water could take over Swalec but Swalec could not take over Welsh Water. It cannot constitute fair trading when a public utility that is itself takeover proof takes over one that is not."

Already the chief executive of Swalec has announced his departure. Andrew Walker, who had repeatedly said that Welsh was undervaluing the business in its approaches, said he was happy to leave. Mr Walker has yet to negoti-

ate severance terms on his £148,000 contract which ran on a rolling two-year basis. "He will also walk away with share options worth £567,000."

The move by Welsh, chaired by Iain Evans, which comes after nearly four weeks of public exchanges in which figures were bandied around but a formal offer not made, transpired just days before the fifth anniversary of the electricity privatisation and is the ninth takeover move made on a regional company in less than a year.

Welsh, which has aspirations to become a full infrastructure services company, first took a stake in Swalec four years ago. It sold off its 14.9 per cent interest two years later, making a £17 million profit. After regulatory concerns forced it to abandon plans for a merger,

It was forced to declare its

latest interest a month ago when the Stock Exchange pressed for a declaration after the share price of Swalec had jumped. Welsh then said it was considering making a bid which would value Swalec shares at £10.20p each, including the stake in National Grid shares which the electricity company said it would return to its shareholders.

The present offer of 940p net a share is made without the Grid shares and is equivalent to an offer of £11.34p. Welsh is offering one new share and £40.25 in cash for every five Swalec shares, equivalent to 940p per share. There is a cash alternative of 930p. The offer, which has been lifted from the last indicated offer of 916p made last week, represents a premium of 22 per cent on the value of Swalec shares.

Tempus, page 28

Bank warning on fake certificates

By ROBERT MILLER

CITY of London Police have launched an official investigation into the use of fraudulent certificates of deposit and the Bank of England has warned the public not to fall for the latest batch of fake certificates.

Sergeant Charles Owen said: "The City of London fraud squad has arrested two men and charged them with conspiracy to defraud the clearing banks. We have recovered around 40 counterfeit certificates with a face value of \$500 million. Criminal proceedings are in hand, and we hope to bring the case to court in the not too distant future."

The Bank of England is concerned that the certificates, some of which have a value of more than \$1 billion, are still in circulation and may yet trap more unwary investors.

Such instruments, and variations on the certificates of deposit theme, are often used by international fraudsters and organised crime rings. In the past,

investors have lost hundreds of millions of pounds.

The Bank said yesterday that the latest batch of certificates, often supported by "official looking" documentation and using named deposit holders such as international politicians, presidents and royalty are "fraudulent and extreme caution should be exercised in dealing with any party seeking to transact business on the strength of them."

The fraudulent certificates are often sold under different names such as Treasury Bond Deposit Commercial Trust and Deposit Obligation.

Ian Watt, head of the Bank of England's special investigations unit, said: "It appears that a number of different parties are attempting to draw unwary investors into fraudulent schemes on the strength of these purported CDs. Anyone who has received approaches in relation to these documents should contact the special investigations unit."

Alliance & Leicester shuts the door

By ROBERT MILLER

THE Alliance & Leicester yesterday closed a popular savings account to new investors amid frenzied speculation about the building society's future.

The society, Britain's fourth-largest, with assets of £23 billion, closed its Instant Access Share Account to new investors "because of intense media speculation" that the society was about to convert its status from mutual organisation to listed company. The society said that this had led to a sharp rise in the number of people opening accounts to benefit from possible windfall bonuses.

The Alliance & Leicester, which owns Girobank, re-

placed the instant access account with a Prime Deposit account that does not confer the all-important membership rights to any payouts. The society also raised the minimum investment in its Bonus 90 and Bonus 180 accounts to £5,000 and doubled the Tessa minimum to £1,000.

The surprise move merely heightened speculation in the building society movement that the Alliance & Leicester, where Peter White is chief executive, was clearing the decks for an announcement about future plans, possibly as early as tomorrow or Thursday. A spokeswoman said that it wanted "to reduce as far as

possible the number of speculative new accounts opened" and to maintain its service levels to customers.

Competitors expressed surprise at the move. A spokesman for the Woolwich, the third-largest society and itself the subject of much merger and conversion speculation, said: "We are surprised at the Alliance & Leicester's action. We, too, have been the subject to intense speculation of about our future plans, but we have felt no need to take any action other than to raise our minimum investment level to £500, from £100, a couple of months ago."

Pennington, page 27



White: closed account

Talisman costs hit SE profits

By MELVYN MARCUS, CITY EDITOR

THE cost of winding down Talisman, the computerised share settlement system, has taken its toll on the Stock Exchange's mid-year results for 1995-96.

John Kemp Welch, chairman of the Stock Exchange, revealed yesterday that £18.5 million has been provided for the rationalisation of Talisman, scheduled to be succeeded by Crest next summer.

The Stock Exchange's operating surplus rose from £20.2 million to £26.3 million in the six months to end-September last, but the £18.5 million provision cuts the pre-tax surplus from £21.6 million to £10.2 million. Mr Kemp

Welch described equity turnover as "particularly robust". Turnover in UK equities rose 9 per cent to £31 billion, while turnover in foreign equities increased 14 per cent to £398 billion.

Income fell from £97.7 million to £94.2 million, largely reflecting the Stock Exchange's decision to abandon the retail distribution of information, via Topic, in favour of wholesale distribution.

After taking account of net interest receivable of £2.4 billion and tax of £3.2 billion, the net surplus shows a reversal from £13 billion to £7 billion.

Mr Kemp Welch highlighted the Stock Exchange's suc-

cessful introduction of AIM, which has attracted more than 100 companies, with a combined capitalisation of more than £2 billion, since June.

A report on share ownership issued by the Central Statistical Office shows that private investors accounted for 20.3 per cent of total share holdings in UK equities at the turn of the year. Compared with a total equity capitalisation of £761.9 billion, the value of individuals' shareholdings was estimated at a record £154.6 billion. Pension funds held 27.8 per cent of UK equities, insurance companies 21.9 per cent, and overseas interests, 16.3 per cent.

BT call

Ofel, the telecommunications regulator, yesterday proposed pricing changes that would give British Telecom greater commercial freedom as the market becomes increasingly competitive.

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S&N charge

Scotish & Newcastle yesterday prepared shareholders for a charge of £150 million after the purchase of Courage.

Page 27, Tempus 28

Iceland lays plans to run Littlewoods

By SARAH BAGNALL

ICELAND GROUP has enlisted Alan Smith, former chief executive of Kingfisher, to run the Littlewoods retail operations, if its £1.1 billion bid with N Brown, the mail order group, succeeds.

The two companies formally notified the Stock Exchange yesterday of their interest in Littlewoods. N Brown is keen to add the mail-order operations to its own business, while Iceland intends to run the existing high street stores. The Vernon Pools operation may be sold, with Ladbroke Group the likely buyer.

Iceland has no experience in non-food retailing and is keen to bring in outside management if the bid succeeds. It is thought to have approached Mr Smith, who quit Kingfisher, the Woolworths combine, in January.

Brown and Iceland are not the only companies thought to be interested in acquiring part, or all, of Littlewoods. Several merchant bankers claim to have potential bidders waiting in the wings.

Pennington, page 27

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Ian Maxwell 'signed documents at chaotic time'

IAN MAXWELL signed documents relating to shares in Teva, the Israeli company, at a chaotic time and only because his brother Kevin was abroad, the Central Criminal Court heard.

Edmund Lawson, QC, in his closing speech for Ian Maxwell, said the documents were signed barely three days after the death in November 1991 of his father Robert Maxwell.

Mr Lawson asked the jury to remember the chaos that followed the publisher's mysterious death at sea. Mr Lawson said that, apart from coping with his own grief, Ian Maxwell was involved in running a large publishing business, world leaders and the press had to be dealt with and the funeral had to be arranged.

He said one thing that the trial — now in its seventh month — had shown was how hard ev-

eryone had worked. "It wasn't all caviar. It wasn't all luxury." He said that although Ian had been described repeatedly by the prosecution as no fool, he was not a financial expert. "I do not suggest he was a dimbo," said Mr Lawson. "He is an able businessman." But his role in the Maxwell empire had been non-financial.

Mr Lawson accused the media of baselessly and maliciously trying to slander Ian Maxwell and making a sick joke out of the Maxwells. "But this case has been no joke for Ian Maxwell. It has been purgatory." He had waited three-and-a-half years to demonstrate his innocence to a "fair-minded tribunal".

Ian Maxwell, 39, Kevin Maxwell, 36, and Larry Trachtenberg, 42, a former Maxwell executive, deny conspiracy to defraud the

pension funds by misusing £22 million worth of the Teva shares.

The prosecution claims that they knew the shares belonged to the pension fund and not to the Robert Maxwell Group (RMG) when they pledged them and dishonestly put them at risk.

Ian Maxwell and Mr Trachtenberg have not given evidence, but Kevin Maxwell told the court that he believed his father when he told him that ownership of the shares had been transferred from Bishopsgate Investment Management (BIM), which administered the pension fund, to RMG. Kevin Maxwell alone denies a similar charge of conspiring with his father to misuse £100 million worth of shares in Scitex, another Israeli company.

Earlier, Michael Hill, QC, for Mr

Trachtenberg, said he was not part of the "inner circle" of the Maxwell Group. The US-born former United Nations researcher had degrees in international and political studies, not financial or accountancy qualifications.

Mr Hill accused Trevor Cook, a BIM executive, of lying in court to serve his own interests and to protect and justify himself with misleading evidence he gave.

Mr Hill said the prosecution had not proved their allegations that Mr Trachtenberg participated in a dishonest and fraudulent scheme.

Lord Justice Phillips has told the jury that he hopes to start summing up a week from today, but asked them for their Christmas timetables in case he is not ready and has to sit beyond Christmas. The trial was adjourned until today.

Oftel proposes more freedom for BT pricing

By ERIC REGULY

OFTEL, the telecommunications regulator, has proposed pricing changes that would give British Telecom greater commercial freedom as its market becomes increasingly competitive. The regulator also suggested that efficiency gains should allow BT to finance additional price cuts.

One key proposal would see implementation of a network, or wholesale, price cap on top of the existing retail price cap. It would govern the prices

charged by BT to connect calls from rivals, such as Mercury, to its vast network.

Currently, Oftel performs the time-consuming regulation of prices for about 70 interconnection services. Under a network price cap, Oftel's role would be eliminated and it would be up to BT to decide, within the cap, what to charge for the various services.

The cap would be based on a formula similar to the retail cap, which ensures that prices

fall in real terms each year. Oftel, in consultation with BT, would have to determine the price reductions under the cap and their duration.

Peter McCarthy-Ward, BT's manager of commercial policy, said: "We're happy to work with Oftel on the concept of a network price cap." However, BT would argue that it can live with either a retail or a network cap, but not both, he said. Of the two, it would prefer a network cap and to allow competition to determine retail prices.

Oftel's other key suggestion, welcomed by BT, is to reduce the number of services subject to price controls. Operator-assisted calls and 0800 calls are candidates for freedom.

The proposals, outlined a year ago, are part of Oftel's plan to be less of a day-to-day regulator and more of a competition watchdog by 1997. Don Cruickshank, its director-general, said: "The whole idea is to get me out of the management of BT's business... My inclination is to have as small a basket of controlled prices as possible."

Oftel's consultative document said that BT could improve efficiency even though it has shed 100,000 jobs in recent years. Oftel said that BT "may be up to 10 per cent" less efficient than some American Baby Bell regional phone companies, but BT says the Baby Bells are monopolies.

Factory investment is falling, says FLA

By JANET BUSH, ECONOMICS CORRESPONDENT

INVESTMENT in British manufacturing industry is falling off, according to the Finance & Leasing Association.

In the three months to October, growth in demand for finance for plant and machinery slowed to an annualised 9 per cent from 15 per cent year-on-year growth seen in the year to October.

Martin Hall, the FLA director-general, said the slowdown in investment had been evident since July and that the Chancellor had

missed an opportunity in his Budget to re-introduce capital allowances. Consumer credit continued to thrive, according to the FLA, with a 32 per cent year-on-year rise in instalment credit in October.

Bank of England figures showed M0 narrow money supply grew 0.7 per cent in November, boosting its 12-month rate of growth to 5.6 per cent from 5.2 per cent in October. But the rise in the annual rate was due to a big increase in notoriously volatile bankers' balances.



Sipko Huismans is stepping down next July

Courtaulds bringing in new team at the top

By ALASDAIR MURRAY

COURTAULDS launched a shake-up of its top management yesterday as the chemicals group announced the retirement of Sir Christopher Hogg, its long-serving chairman, and Sipko Huismans, chief executive, next July.

The new chairman will be Sir David Lees, currently non-executive deputy chairman, and Gordon Campbell, deputy chief executive, becomes chief executive.

There was some surprise that Mr Huismans was leaving ahead of schedule but the share price closed unchanged at 397p, with the City anticipating that new management would leave strategy largely unchanged. Mr Huismans, who joined the company in 1961, has been a driving force behind tenet, Courtaulds' new fibre product.

Sir Christopher, 59, joined Courtaulds in 1968 as a director of International Paint, rising to chairman and chief executive in 1980. He helped to push through the demerger of Courtaulds Textiles in 1990 and relinquished the chief executive role to become non-executive chairman in 1991.

Sir David, currently chairman and chief executive of GKN, has been a non-executive director at Courtaulds since 1991. Mr Campbell joined the company in 1968, becoming deputy chief executive in 1994.

The company has had a difficult year as rising raw material prices and slack demand have hit profits.

Halifax sees signs of recovery in housing

FURTHER evidence of a tentative recovery in the housing market emerged yesterday from the Halifax Building Society monthly house price survey. This showed a 0.3 per cent rise in prices, the fourth consecutive increase. In October, prices were up 0.2 per cent, after a summer of decline. The Nationwide Building Society index, published last Friday, showed a 1.5 per cent rise in November, prompting predictions that the market may have begun to turn the corner.

Ian Shepherdson, economist at HSBC Markets, believes that the result adds weight to his thesis that house prices will rise 3-4 per cent in the first half of 1996. The Halifax said "house prices were no longer generally falling and remain more or less stable". It predicted that the downward trend in mortgage rates, boosted by tax cuts, would further stimulate the market next year, with house purchases reversing the 10 per cent fall experienced in 1995. The society expects prices to rise 2 per cent, having fallen 1.4 per cent over 12 months.

T&N asbestos appeal

T&N, the engineering company, is to appeal against the court's finding in the cases of the late Arthur Margeson and June Hancock relating to asbestos at its factory at Armley, near Leeds. T&N said the judge had accepted without reservation its argument that during the time the factory was in operation, prior to 1959, neither the company nor anyone else knew of the potential risks to health arising from low-dose exposure to asbestos dust, and it believed the decision to find it liable was wrong. T&N confirmed the damages awarded to the plaintiffs were paid "without prejudice". If the appeal succeeds, it would not seek their return.

Failures 'could rise'

THE rate of decline in business failures continued to slow in the third quarter of the year and may go into reverse next year unless interest rates are cut to boost lagging economic growth. Trade Indemnity, the credit insurer, said that there had been 745 company collapses between July and September, 5 per cent fewer than the corresponding period a year ago. This followed falls of 19 per cent and 15 per cent in the first and second quarters, according to the company's *Quarterly Business Review*. Trade Indemnity predicted a further 700 business failures in the fourth quarter, taking the annual total to 2,988, or 10 per cent down on 1994.

BTR £39.5m expansion

BTR, the industrial conglomerate, has bought Signalling Control UK, one of the two signalling-engineering and contract businesses formed as part of British Rail privatisation, for £39.5 million. Signalling Control UK employs about 600 people. The company, which specialises in design, engineering and project management related to the safety critical aspects of railway-signalling systems, will join Westinghouse Signalling, part of BTR's worldwide rail businesses. Alan Jackson, BTR's chief executive, said: "This acquisition will further strengthen BTR's railway-signalling operations."

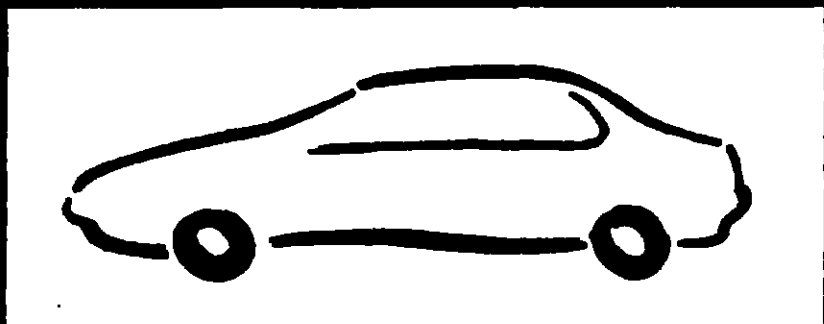
Oriflame leaps to £8m

ORIFLAME INTERNATIONAL, the direct-sales cosmetics company, anticipates strong growth, underpinned by the development of emerging markets, particularly Latin America, where sales are reported to be buoyant in Chile and Peru. In the half-year to September 30, the company increased pre-tax profits to a record £8 million from £6.3 million. Sales were unchanged at £40.5 million after disposal of the jewellery business in October 1994. Earnings were 11.7p a share, rising from 9.7p. The interim dividend is increased to 5p a share from 4.6p, due February 13. The shares rose 5p to 345p.

Acal to buy Headway

ACAL, the electronics and industrial controls distribution group, accompanied improved first-half profits with plans to acquire Headway Technology Group, a document-imaging distributor, for up to £5 million. There is an initial consideration of £3 million, through a vendor placing at 495p a share, with a further maximum payment of £2 million depending on profits. Organic growth helped Acac's pre-tax profits to climb to £4.45 million (£3.46 million) in the six months to September 30, on sales ahead 23 per cent to £61.8 million. There is an interim dividend of 2.75p (2.44p), from earnings of 13p (10.5p).

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Names' group says Lloyd's should run down

By SARAH BAGNALL

LLOYD'S OF LONDON should cease writing new business and be placed into run-off, according to a discussion paper from the steering committee of Lloyd's Names Association's Working Party (LNAWP).

The seven members of the steering committee state: "It is hoped that once the initial shock has been absorbed, the proposals will be seen as realistic and practical, and in the best interest of all names, whose interests the society exists to protect."

Lloyd's dismissed the proposal, saying: "The benefits claimed for run-off are a mirage. We consider that run-off in any form would inflict severe damage and uncertainty on all categories of names."

LNAWP is the umbrella organisation for Lloyd's action groups. Last year five members withdrew, including the two largest groups of litigants, Gooda Walker and Feltrim, as well as Janson Green, Wellington and Secretan.

Michael Deeny, Gooda Walker Action Group chairman, said: "I am deeply sceptical of the plan because

what names want is finality and this doesn't represent finality." Many names want to leave Lloyd's but are unable to as losses are still feeding through and hundreds of millions of pounds worth of claims are still to be lodged.

Christopher Stockwell, chairman of LNAWP, said he favoured settlement of all litigation but that the £2.8 billion settlement offer from Lloyd's was inadequate. He said it needed to be £4.5 billion, a level he considered out of reach. As a result, putting Lloyd's into run-off was a practical solution and in the best interest of names.

He said the main problem was Equitas, the reinsurance company being set up by Lloyd's to take over liabilities of names. Equitas would crystallise their losses, requiring names to immediately pay monies that would only be needed to meet claims later. Under run-off, Mr Stockwell argues, this would not be the case. However, Mr Deeny cast doubt over this assertion, saying the Department of Trade and Industry is likely to demand funds from names.

TOURIST RATES

	Bank	Bank
	Guys	Sole
Australia \$	2.17	2.01
Austria Sch	16.53	15.05
Belgium Fr	48.36	44.08
Canada \$	2.203	2.043
Cyprus Cyp£	0.738	0.684
Denmark Kr	9.16	8.32
Finland Mk	7.13	6.48
France F	9.07	7.48
Germany Dm	2.36	2.15
Greece Dr	384.00	358.00
Hong Kong \$	12.52	11.52
Ireland P	1.02	0.94
Israel Sh	5.1500	4.600
Italy Lira	2665.00	2410.00
Japan Yen	169.70	153.70
Netherlands Gld	0.659	0.597
New Zealand \$	2.51	2.29
Norway Kr	10.31	9.51
Portugal Esc	242.50	224.00
Spain Ptas	166.50	152.50
Sweden Kr	10.84	9.84
Switzerland Fr	1.92	1.74
Turkey Lira	1.833	1.601
USA \$	1.00	1.00

Rates for small denomination bank notes only as supplied by Barclays Bank PLC. Different rates apply to travellers' cheques. Rates as at close of trading yesterday.

Allen bucks the trend

ALLEN, the contracting and house building company, defied the downward trend in the construction industry, lifting pre-tax profits to £3.6 million, from £2.74 million, in the half year to October 1.

Earnings were 7.45p a share, rising from 6.48p previously. The interim dividend is increased to 2.5p a share from 2p, payable on January 26.

The company said that it expected a further increase in second-half profits, with those from building contracting rising to their highest level since 1991-92.

Subsidiaries in civil engineering contracting enjoyed "an excellent year." However, home completions fell to 145 from 206.

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□ Sir Rocco makes room to manoeuvre □ Suitors emerge for a retail empire □ Oftel sees barriers to competition

Checking out of the Savoy

IF SIR Rocco Forte has indeed experienced a Damascus conversion, it has come upon him rather close to the Damascus city walls. The party line from Forte is that the process of uncoupling lowly restaurants from swanky hotels was well advanced when Gerry Robinson's Granada Group made its vulgar approach last month.

Ho hum. One must, one supposes, believe him. But the idea of unloading at the same time the Savoy stake, over which so much management blood, sweat and tears has been expended, is an entirely new one.

It will, surely, have come as a nasty shock to Lord Forte, 87, when his son broke the news. Forte is attempting to rewrite history in claiming little emotion attaches to the struggle to gain a foothold in the Savoy camp.

The Savoy stake, at £200 million, is small in value in relation to the rest of the group, but there has never been any suggestion, until Granada arrived onto the scene, that it was anything other than a core investment. The appointment of Ramon Pajares as Savoy managing director a year ago only served to increase Forte's influence, a fact not lost on the Savoy camp. The future of the Savoy was going to be one either of gradual eclipse under the Forte umbrella, however

many decades that might take, or of an eventual sale of Forte's stake once family loyalties allowed.

All is changed now. The Savoy will go its own way, while Sir Rocco has stolen the initiative back from Granada. Mr Robinson's response, that demerger is an admission of defeat, has a strained look about it.

By demerging, Forte is effectively putting both businesses up for sale. The most easily saleable is the restaurants side, because there are plenty of potential purchasers. Hotels, except one by one as individual trophies, are rather less easy to shift. The most obvious purchaser for Forte's restaurants must be Granada. Mr Robinson is already meeting some resistance from shareholders who are unconvinced about his ability to run hotels. A deal to buy the restaurants alone would neatly sidestep such doubts.

If Forte shareholders reject the bid, the demerger will go through next year and a sale of the restaurants may not be too far behind. If the bid fails, Granada can always try to buy

them later, but the price may by then have run away.

Instead, it has the option of striking a deal before any demerger. This would be the ideal outcome for Sir Rocco, who was not before yesterday seen as the favourite to win the struggle for his family firm, because he would then be able to keep his beloved hotels. Granada's offer has also given him the pretext to check out of the Savoy, and concentrate on the Meridian.

This worldwide brand could then be expanded to his heart's content, without having to run every single idea past a bunch of snuffy Savoyards.

An Alliance for Littlewoods?

IT IS a rum state of affairs when a white knight steps into a contested bid situation with a lower offer, but the upheaval at Littlewoods has been a rum business throughout. The supposed "bid" from N Brown and Iceland is nothing of the kind, and no matter that they have on board the same merchant

PENNINGTON



banker that made such a good job of turning around another retail behemoth, the Woolworth chain, more than a decade ago.

The Charterhouse-aided approach is more an indication of interest should Littlewoods ever come on to the market. This decision could take months of family deliberations, and the consortium will have to walk a difficult line until then. They must satisfy their own shareholders the deal is a good one while not upsetting Littlewoods' owners by running down their businesses too hard.

The Barry Dale offer, for £1.2 billion, goes to its first vote on Thursday, and the betting is that the family will refuse him the necessary financial information.

If only out of sheer spite. Mr Dale is the (sacked) chief executive, and not a man the clannish Moores family is going to welcome back where there is an alternative.

The appeal of Littlewoods' mail order side to Sir David Alliance's N Brown is clear, as the only such business of any size available in a market which is highly fragmented.

The attractions to Iceland are rather less apparent. The intention is to run all 130 Littlewoods stores, in 38 of which Iceland already has a presence through the food halls it operates, in the same format, as general retail outlets. This would be a clear diversification for Iceland as a pure food retailer. While mail order may have other buyers, Europeans looking for an entry into the UK for example, it is hard to think of many other British retailers who would want these rather tired and tatty high street stores.

All this is by the by, until the family decide whether or not they are on the market. A number of them want out, but there are plenty of other options

to a sale, including a share buy-back. Sir David already has some of the family on his side, but this may not be enough.

Cable companies left on hold

DON Cruickshank at Oftel has clearly identified the "hassle factor" as one of the main reasons why BT is not losing market share as fast as might be expected to cable telephony providers that have no difficulty in undercutting its prices.

But that same hassle factor would seem to offer little hope for the spread of competition in the other regulated industries of gas and electricity. Talk to any of the big cable operators and their experiences are depressingly similar. They knock on the door and offer the householder immediate savings of 15 per cent on his or her bill, but the take-up is still low. The same shoppers who will cheerfully pay inflated prices for pre-packaged goods in the supermarket are equally not prepared to countenance the disruption involved in switching

to a rival telephone company.

One answer, as Oftel has said, is number portability, the carriage of one phone number from cradle to grave, and this will come sooner rather than later, so eliminating much of that disruption.

This will at least put the telecoms providers on a par with the gas and electricity suppliers who will shortly be knocking on doors themselves with their cut-price deals. Ministers have invested much credibility in the beneficial effects of a free market in gas and power. But the Oftel report has shown that consumer inertia, and the normal jousting between rivals that takes place in any free market, are still powerful barriers to competition.

Smarter investment

WHEN all else fails, blame the media. The Alliance & Leicester is accusing financial journalists of stoking up speculation over incorporation, leaving the building society's accounting systems unable to cope with the deluge of fresh funds. Curious how other societies over which there has been much speculation have not had the same problem. So here is some more helpful advice from the press for a change. Don't put your money in the Alliance & Leicester — it causes them the most dreadful problems.



Brian Stewart, Scottish & Newcastle chief executive, and Marc Chiarulini, chef at the Maple Leaf, Covent Garden

Scottish & Newcastle warns of £150m Courage charge

By CHRISTINE BUCKLEY

SCOTTISH & NEWCASTLE, Britain's biggest brewer, yesterday braced its shareholders for a net charge of £150 million after the group's purchase of Courage in the summer.

Reorganisation of the brewer will come to £80 million as the businesses are forced together. It has already made 160 staff redundant and expects a similar number to go over the next six months. Another £70 million is expected to be lost with a reduction in asset values, the brewer said, as it produced results for the half-year to October 31. The charges will be written off in the full-year figures. Brian Stewart, chief executive, said that the absorption of Courage had not produced any surprises and

that the fully integrated business should generate annual savings of £75 million.

S&N, which says it is combating a generally flat market for beer with premium brands, recorded pre-tax profits of £154.5 million, 6.5 per cent up on last year. The company said that the profitability of the take-home trade was still reeling from the effects of the booze-cruise business between the UK and the Continent. The cheaper prices offered by continental producers have now turned cross-Channel beer sales into 4 per cent of the UK market, according to industry estimates. S&N's market share in the UK stands at about 25 per cent. The brewer joined others in

forecasting further gloom in take-home sales after last week's Budget. Mr Stewart said: "The damage done by sales from the Continent will continue and there will be more jobs lost in brewing until the duty is brought more into line with that charged by European competitors."

Although volumes have increased substantially — growth in the take-home market for the six months was 11 per cent — pricing pressure is keeping a tight squeeze on margins, although Mr Stewart would not indicate the level of fall.

Beer profits in general rose 19 per cent to £53.8 million, although the increase came from the acquisition of Cour-

age with the profits from the traditional business showing a slight decline.

The half-time figures also show a marked North-South divide, with beer sales staging a better than expected recovery in the South, while trade remained dull in the North. The greater number of beer gardens in the South was partly responsible for the variation, Mr Stewart said. "In general, there are more beer gardens in the South and the good weather over the summer encouraged greater beer drinking."

The interim dividend, payable February 9, was lifted 7.5 per cent to 6.53p.

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Profit warning hits shares in Williams

By ALASDAIR MURRAY

SHARES in Williams Holdings, the diversified industrial company, slipped 9p to 316p yesterday after the company said that full-year profits would be at the lower end of market expectations.

Williams blamed continuing tough conditions in the European and North American housing markets. More than half of its business is in building products and the company gave warning in its third-quarter statement that winter weather and Christmas spending would have a considerable impact on final results.

The company said that its fire protection and security product divisions continued to perform well, with firm order commit-

ments and good global sales. Full-year profits are now forecast at about £225 million.

In Europe, Williams has increased its market share in the building products sector, but the warm weather has hit sales of gas fires and electric blankets. In North America, a weak housing market lowered demand for its paint products, although the company says that it is seeing signs of recovery in housing starts.

The company announced a £9 million profit from its remaining 20 per cent stake in Cortworth, its former plastics and engineering subsidiary, which floated last month.

Tempus, page 28

Higher costs blunt Hazlewood profits

By SARAH BAGNALL

JOHN SIMONS, UK chief executive of Hazlewood Foods, said conditions in the food industry were the toughest he had seen, as prices of numerous raw materials rose sharply in the same trading period.

Mr Simons said: "This has been a year of unprecedented levels of cost increases and we have not been able to pass all of the increase on to the customer." Hazlewood supplies a range of own-label products to food retailers.

Mr Simons said that the second-half performance was unlikely to match last year's but that, overall, the full-year result would be better than the £32.7 million pre-exceptional profit achieved last year. Ana-

lysts accordingly trimmed their forecasts from £37 million to £34 million. The shares rose 1p to 99p.

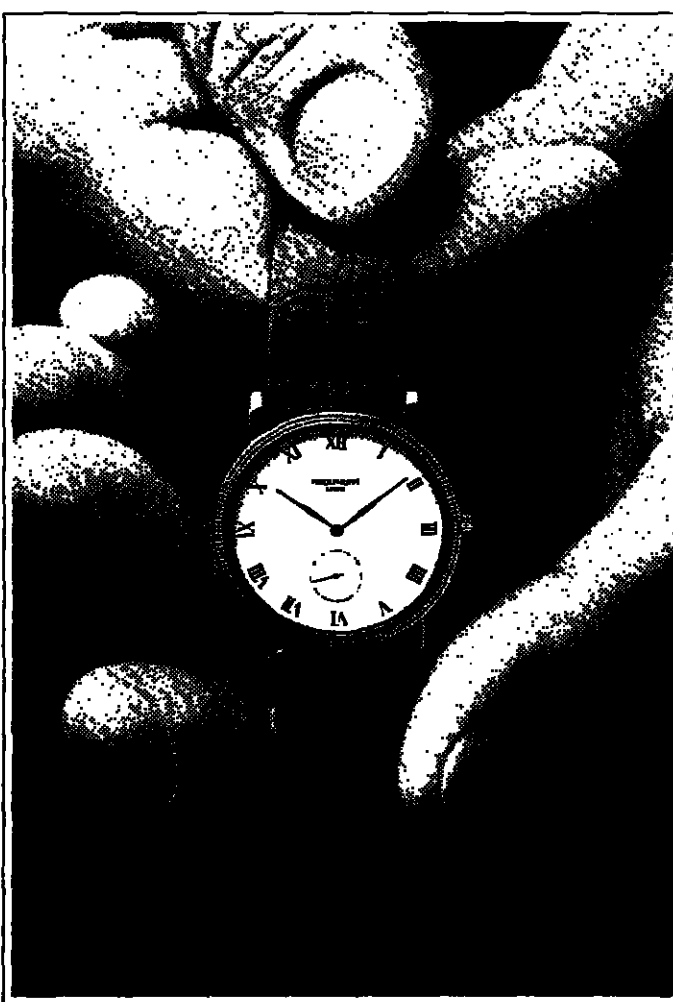
Hazlewood lifted profits before tax and exceptional items from £12.1 million to £16.1 million in the six months to September 30 on sales of £391.8 million, down from £426.1 million. The rise in profits reflected improved performances from all divisions except delicatessen and meats, which reported flat profits.

The dividend, due January 23, was held at 2.4p and is being paid out of earnings of 5.12p a share, up from 3.27p last time.

Tempus, page 28

For more than a century and a half, Patek Philippe has been known as the finest watch in the world. The reason is very simple. It is made differently. It is made using skills and techniques that others have lost or forgotten. It is made with attention to detail very few people would notice. It is made, we have to admit, with a total disregard for time. If

a particular Patek Philippe movement requires four years of continuous work to bring to absolute perfection, we will take four years. The result will be a watch that is unlike any other. A watch that conveys quality from first glance and first touch. A watch with a distinction: generation after generation it has been worn, loved and collected by those who are very difficult to please: those who will only accept the best. For the day that you take delivery of your Patek Philippe, you will have acquired the best. Your watch will be a masterpiece, quietly reflecting your own values. A watch that was made to be treasured.



Men's Calatrava - Ref. 3919

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Harrison for Alfred McAlpine

Alfred McAlpine, the construction group, has named Sir Terence Harrison as its next chairman to follow Sir John Milne, who retires at the annual meeting in May 1996. Sir Terence will join the board as non-executive director from January 1. He is due to retire from Rolls-Royce, where he has been chief executive since 1992, in April.

MTM buys

MTM, the specialty chemicals group, has agreed to acquire Puretop, a manufacturer of high performance protective coatings and repair compounds sold under the Copon and Thorflex brands, for a maximum of £4.3 million and the assets of Intro Marketing, a manufacturer of chemical products primarily used in the car care market, for up to £775,000.

Takeover Panel steps into Amec bid fight

By ALASDAIR MURRAY

THE Takeover Panel has been drawn into the acrimonious bid battle between Kvaerner, the Norwegian engineering group, and Amec, the UK construction company.

SBC Warburg, the merchant bank advising Kvaerner, is unhappy about weekend reports that Amec had leaked its profit forecasts for 1996. Amec, under pressure from the Takeover Panel, issued a firm denial yesterday that it had leaked, although Warburg is understood to be pursuing the matter further. Under the Takeover Code, companies must make financial information available to the whole market rather than selected parties.

There was further controversy as Kvaerner outlined an offer worth 90p cash or 92p in loan notes for the company's preference shares, valuing Amec at a total of £360 million.



Tonseth: preference offer

erence shares is less than the 100p cash the company is offering to ordinary shareholders. Erik Tonseth, group president and chief executive, justified the lower price as offering a 16 per cent premium on the market price on November 22, the day before the bid period began. Kvaerner said that the loan note alternative also provided a substantial uplift in credit backing

and an equivalent gross income to the preference shares. Amec responded by issuing a statement saying that the offer continued to undervalue the company.

Amec's share price closed up 2p at 101p, 1p above the bid price, after speculation that a white knight could enter the frame. Nissho Iwai, the Japanese trading house, took a stake of under 1 per cent on Friday. But it emerged that the company, which is involved in a consortium to build the new Hong Kong airport terminal with Amec, had promised to take a courtesy stake in the Amec three months ago. Nissho is understood to be unlikely to make a bid, although Amec would make no comment on the speculation.

Amec also denied that disposing of its housebuilding operation would form part of its defence strategy. Its defence document will be published this week. At close of trading yesterday, Kvaerner held 18.1 per cent of Amec.

THE TIMES CITY DIARY

Goldman team take top silver

LONDON analysts scoop European rivals in the 1995 Ranking of European Larger Company Investment Analysts. Winners of the Reuters-sponsored survey (published by Tempest Consultants) yesterday received antique silver trays from John Kemp-Welch, chairman of the London Stock Exchange.

The chemicals team at Goldman Sachs won the best pan-European industry sector team award, followed by the oil and gas team at NatWest Securities and the banks team at SBC Warburg.

Goldman secured a double by winning the best general sales team award. It also emerged from the survey that 22 per cent of companies said they would "temporarily exclude" the analyst from briefings or visits if they made a "sell" recommendation. About 35 per cent of analysts believed they would be excluded by a company if they issued a "sell" note.

Car park blues

IF you come across a dapper gentleman in an underground car park in the City late in the evening practising a French horn, approach with caution. It is likely to be Mark Andrews, a keen musician and an important person indeed after his appointment as senior partner at Wilde Sapte, the solicitor, from January 1. Despite his elevation, we understand Andrews is unlikely to be brought in from the cold to practise in Wilde Sapte's more salubrious accommodation in Fleet Place.



"And how would you like your stake?"

Getting the bird

SHOOTING, as Sir Rocco Forte tells readers of *The Field*, "must be fun, but enough of a challenge to provide the occasional humbling experience". He may have had cause to ponder on these words since the interview by erstwhile Fleet Street defence correspondent Chapman Pincher. Gerry Robinson, chairman designate of Granada, has criticised the hotel chief's favourite pastime since he telephoned the Forte HQ to break the news of his bid, only to find the errant knight had not yet returned from taking on some high birds in Yorkshire. It is not a regular occurrence that interferes with business, Sir Rocco points out, as he has his own 2,500-acre shoot at Ripley, Surrey, close enough to London to mean that he can still be abed at 8.15am and facing up for the first drive of the day at 9.15am. Shooting, he concludes, is "an outstanding way of combining business with pleasure". But somehow, one can't quite see Gerry Robinson being high on the invitation list for the next double-gun day at Ripley.

Job bashing

THERE can't be many chairman designates who get rid of their own job. But it has just happened to Peter Morgan, would-be incoming head of Swalec. Ill-health of chairman Wynford Evans meant Mr Morgan sat in to chair the committee dealing with the Welsh Water. Morgan's achievement of a recommended bid means he will now not be boss.



Sir Rocco Forte, the chairman of the hotels and restaurants group, has presented the City with an intriguing choice that merits attention

Now embattled Sir Rocco plays the demerger card

Eric Reguly and Graham Searjeant on Forte's share-split defence plan

A week ago, Sir Rocco Forte looked like a stag at bay. Even some of his advisers privately felt that unless the chairman of the Forte hotels and restaurants group came up with a more imaginative and aggressive defence plan than trying to persuade investors to stick with the devil they knew, an improved version of Granada's £3.3 billion hostile takeover offer would succeed.

Yesterday, just 12 days after the Granada launched its surprise bid, Sir Rocco outlined his radical defence. Existing Forte investors would end up with a share in one of the world's largest international hotel companies and another in Britain's largest listed restaurant company. Sir Rocco would continue to run his beloved hotels while the restaurants would recruit new management. In essence, he wants to sacrifice half the empire that he and Lord Forte, his father, spent so many years putting together.

He has also been obliged to give up his father's long quest to control London's Savoy Hotel group, which includes Claridges and the Connaught, classic examples of what Gerry Robinson, chief executive of Granada dismissed as low-earning trophy hotels. Forte argues that the management deal struck with the Savoy has boosted the value of its stake and that Forte does not need the Savoy any more.

Sir Rocco claims the demerger plan was not triggered by Granada's move, saying it had been under consideration since August. If that is so, he is in a distinguished tradition of demergers triggered by takeover threats. The most famous were at BAT and ICI.

The tobacco group distributed shares in Argos and Wiggins Teape Appleton to its shareholders after an abortive break-up bid from a group led by Sir James Goldsmith. But it did not fully follow the break-up strategy, merely discarding remnants of its old conglomerate strategies after settling on a mixture of tobacco and financial services.

ICI was prompted by the Hanson group building up a stake. The idea of splitting the highly rated pharmaceutical business from the cyclical chemicals businesses had been mooted in *The Times* and elsewhere long before Hanson moved, but the incipient threat broke a stalemate within the ICI board. This accelerated a division that might have taken place anyway, as at Forte. Ironically, by the time ICI parted company with Zeneca, pharmaceutical stocks were out of favour, while recovering cyclical businesses were in fashion. Yet both have prospered on their own and, as at BAT, shareholders were much better off with shares in two or three companies than one. At BAT, however, the bid threat was in abeyance for legal reasons and at ICI, no bid was even

overtly threatened. It is much easier to persuade big investors of the virtue of a demerger in these circumstances — or while a bid is stuck in the Monopolies Commission — than under a 60-day bid timetable. In this sense, Littlewoods, which is not a public company, is in an easier position to choose a demerger option than Forte.

Sir Rocco has nonetheless given the City an intriguing choice that merits attention. Do separate hotel and restaurant shares have greater potential for growth than the existing beds-to-bread Forte shares? The answer is open to debate. Given the successful record of demergers, however, it even up the bid contest.

Demergers are often a successful strategy without any takeover threat. They can beat off a bid only if the process itself is likely to unlock extra value for shareholders. The most common argument for demergers is that, for one reason or another, the City is likely to value the parts above the whole. That

is often because the company owns businesses that are valued in quite different ways, as at ICI, and the stock market tends to value the whole on the basis of the low-rated interests rather than the fashionable or high-growth ones. In the case of Racal, the valuation of the Vodafone telecom interests was being held back by the less exciting original parts of the group.

The advantage of having two separate shares is that low earnings backed by irreplaceable valuable assets in one business merely dilute the high earnings in a more routine cash-generating other. In Forte's case, the recession-stricken but asset-rich hotels had been dragging down the steadier restaurants. The reverse might be true in the near future, now that the property and lodging businesses seem to be turning around. Sir Rocco also makes the argument that management does a better job if it can concentrate on a single business. This was, for instance, the main reason for Courtalds

demerging its textile interests or Trafalgar House to demerge Fleet Holdings, owner of Express Newspapers. Demergers of hotel chains from Hilton to Sheraton have focused on the benefits of concentrating management efforts in this particular business.

In Forte's case, the case for demerger is not yet as conclusive as at BAT or ICI. There may be little in common operationally between Little Chef roadside restaurants and the five-star Hyde Park Hotel. But Forte operates right across the spectrum of hotel and catering interests. Merchant bankers could also present a good financial case for marrying cash-generating catering with asset-rich hotels.

In the end, however, this is a battle for survival and the share-split plan could present Granada with uncomfortable questions from institutional shareholders. If Sir Rocco now sees no advantage in owning a business that melds hotels with restaurants, the City will put more pressure on Mr Robinson to defend his stated view that they go hand in hand.

The questions become all the more compelling given that Mr Robinson, dismissed as an "upstart caterer" by John Cleese, has little experience in the hotel sector and does not regard it as special. Even in his City presentations, Mr Robinson showed little interest in anything posher than mid-market hotels like Forte's Post House range. Who knows how much of Forte Granada would eventually sell. Some institutions fear that hotels might be a diversification too far for Granada and that it should stick to restaurants. If so, Sir Rocco has presented Mr Robinson with a clean solution: Take the hotels. Although a demerger is planned, Sir Rocco said he would sell the restaurants outright if the right offer came along. Forte executives, who assume that Granada covets the restaurants more than the hotels, wonder why it didn't simply offer to buy them months, or even years ago.

Mr Robinson insists, however, that he is not interested in the restaurants alone. "Separating the businesses doesn't add value. You have enormous synergies between the two." A hotel, he said, earns about 40 per cent of its income from food and beverages and it makes sense to pool resources.

Commercial logic is, however, not the strongest argument for a conglomerate builder like Mr Robinson. Conglomerates are successful in the long run only if they are valued at more than their constituent business would be. Once that fades, as at Hanson, it is hard to recover. Mr Robinson is achieving great success at Granada by concentrating on short-term earnings growth. It is hard to see how a jumble of up-market hotels would reinforce that.



Fighting it out: top left, Lord Hanson and Sir Denis Henderson, bottom left, Sir Patrick Sheehy and Sir James Goldsmith

Eric Reguly on the American way of music-selling that BT may try

Telecoms takes on the record store

IT is surprising how many people dislike shopping for music. Some consider music stores magnets for Beavis and Butt-Head clones, searching for Metallica albums when they should be in school. Others are embarrassed to approach the check-out counter with a load of old Conway Twitty or Cliff Richard albums. Then there are music-lovers who are simply put off by the lack of choice in a particular category or who are too busy to shop.

MCI Communications, America's second-largest long-distance telephone company, says that it has come up with a solution. It is called 1-800-Music Now and it allows anyone with a touch-tone telephone to ring a free number at any time of night or day, sample music and make purchases with a credit card. The CDs or tapes arrive by post.

British Telecom, which paid \$4.3 billion for a 20 per cent stake in MCI in 1994, is watch-

ing the music scheme closely and, if it succeeds, may launch a similar business in the Britain. BT's goal, like that of any telecoms operator, is to increase traffic on its underutilised network.

Music Now was launched by MCI in early November with the advertising line "You call. You listen. You like. You buy". The company will not invest in the service, but the cost was probably not huge. It had to buy some new software and negotiate distribution deals with top record labels, but it did not have to install a separate telecoms network or billing system.

The whole thing went from concept to commercial product in 20 weeks. Timothy Price, president of MCI Telecommunications in Washington, said: "Music Now is another example of MCI's strategy to use our core strengths and

existing assets against new opportunities, with little incremental investment."

The system is fairly simple to use. After dialling the 800 free-call number, you are connected to an automated, interactive voice network; you never speak to a human except to set up a purchasing account. The recorded voice of a local DJ greets you, offering

first item and 49 cents for additional items. The prices can be somewhat higher than those in stores, especially when mailing charges are taken into account, and buyers are at the mercy of the sluggish US postal system.

Will Music Now work? It is too early to say, but its chances look good. Americans like to buy by phone, as the catalogue shopping craze shows, and it will appeal to music-lovers intimidated by record shops. MCI expects Music Now to put pressure on retailers, but not to make them fold. The \$12 billion music market is growing at almost 13 per cent a year, leaving plenty of room for alternative sales methods.

The big chains dominating the music market do not seem worried about Music Now. Richard Branson's Virgin, for example, is still committed to its Megastore concept and is

to open a 100,000 sq ft outlet next year in Manhattan's Times Square. A spokesman said: "Browsing over the phone is not an enjoyable experience for everyone."

If Music Now is a success, there is a fair chance that BT will introduce a British version within the next couple of years. BT would, however, have to plan more carefully than MCI. Telephone shopping in Britain is not the cultural phenomenon that it is in America, and may never be. There is a practical problem, too. Most telephones, unlike those in the US, lack keypads with letters. Letters make telephone shopping much easier because it gives callers more options, allowing them to spell out selections.

Nonetheless, Music Now is the sort of service that should appeal to the technological mind of Peter Bonfield, the computer man who is to succeed Sir Iain Vallance as BT chief executive in January.



ANATOLE KALETSKY

Saving France — and Europe

Now is the winter of our discontent/Made glorious summer by this falling franc.

With apologies to Richard III and Denis Healey, it is time to disinter the clichés of 1970s Britain if we want to understand what is going on in today's France. These strikes and protests look like the death throes of an exhausted political era. The ideological range of the protesters, the multitude of their perceived grievances, and even the economic incoherence of their demands, all suggest that something big is about to give.

The most likely candidate for such a tectonic movement is not the presidency of Jacques Chirac but something far more important: the decade-long effort by the French and German political elites to merge their countries.

The financial markets are still surprisingly willing to give the Government of Alain Juppé the benefit of the doubt in his struggle to defend the franc fort and meet the fiscal criteria for European Monetary Union. But if the strikes go on much longer, the Bank of France will be panicked into a White Wednesday style increase in interest rates, the franc will collapse, and France will enjoy economic liberation.

The implications of such a *Mercredi Magnifique* would reach far beyond France. By reviving the moribund French economy, a devaluation of the franc would make a direct contribution to economic growth throughout Europe, but even more importantly, it would force big economic changes on Germany too. Without protection from the franc fort, German industrialists would find it impossible to live with the tight monetary policies of the Bundesbank and the overvalued mark.

Thus a fall in the franc would precipitate a big relaxation of policy in Germany and France. By lifting the threat of monetary union, a franc devaluation would also restore financial confidence in the German bond market and trigger a dramatic drop in long-term interest rates across Europe. Ironically, however, abandonment of the franc fort could also make a soundly based monetary union more

likely in the long term. By allowing a return towards full employment, a floating exchange rate would bring the French economy into better equilibrium with Germany. A floating franc would also make it infinitely easier to restore order to French public finances and to reform the labour market and the welfare state. As long as the French Government tries to defend an overvalued exchange rate, such reforms are doomed to failure — not just by politics but by economics.

They are doomed by a law of political economy belatedly discovered by Mr Healey after the "winter of discontent": if you are in a hole and you want to get out, then stop digging. As long as an economy remains in deep recession, attempts to curb the budget will prove counterproductive: tax increases and spending cuts will simply make the slump even deeper and the budgetary crisis worse.

The only reliable escape from this trap of ever bigger deficits and ever deeper recession is the one used in the three years since White Wednesday, not only by Britain but also by Sweden, Italy, Finland and the Irish Republic. This is to float the currency and cut interest rates at the same time as implementing the fiscal squeeze.

A floating exchange rate would also make it easier for Europe to preserve some vestiges of the welfare state, in the face of intense competition from the red-blooded capitalist societies in America and the Far East. Europe could compete perfectly well in the world economy, even if it insisted on maintaining a welfare state and burdening its labour costs with social charges. This apparent contradiction would become possible if the currencies of "social Europe" were devalued far enough to make unit labour costs competitive against the rest of the world.

A French devaluation is the key that would unlock an economic recovery, and revive political hope across Europe. In Britain, it took Margaret Thatcher to transform the winter of discontent into "glorious summer". Now, it is time for the currency speculators to save Europe and France.

French strife, page 14

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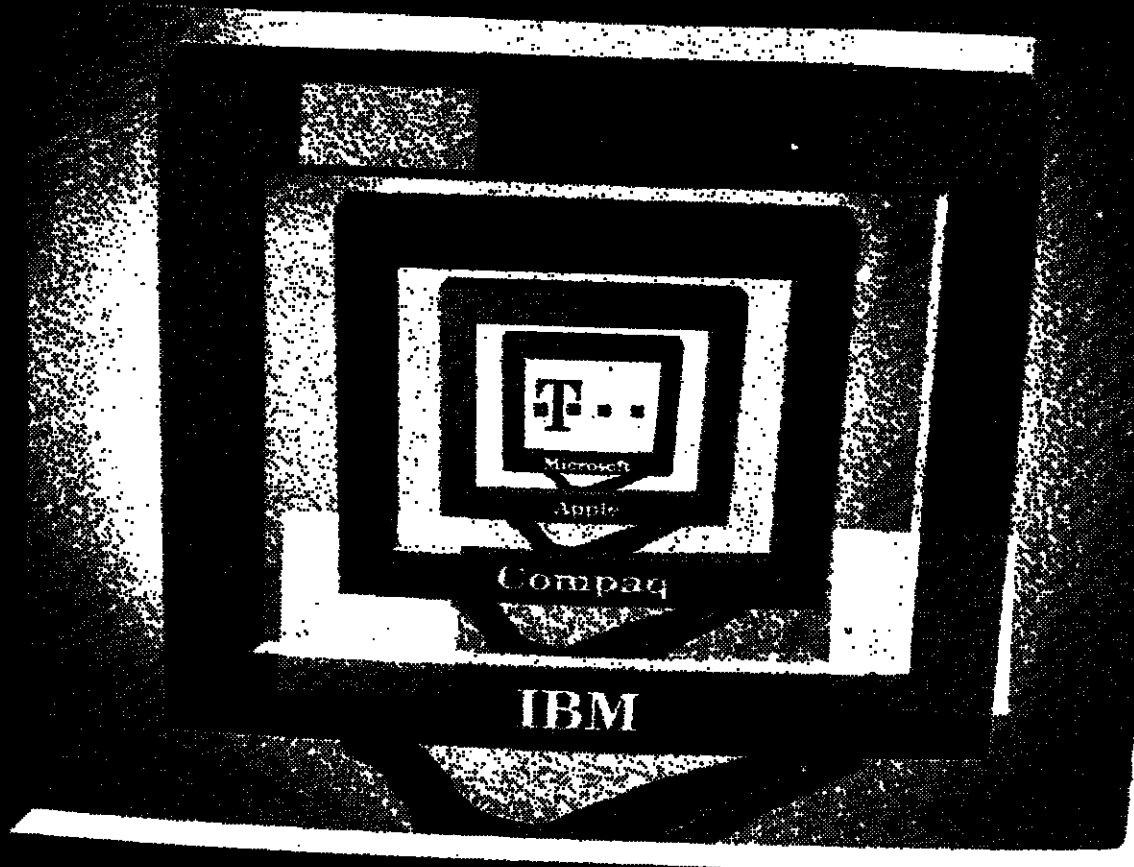
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THE TIMES UNIT TRUST INFORMATION

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IBM with Compaq. Compaq with
Apple. Apple with Microsoft.
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with Deutsche Telekom.



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with Microsoft, we're designing a software based on Windows architecture for multimedia services on the digital ISDN network. With Apple we're scouring the field of Newton technology for ways to walk hand in hand down the path of mobile telecommunications. Developed jointly with IBM, Telecash has moved electronic payments systems up a gear. We're currently working on a chip that will soon turn more than 50 million Eurocheque cards into a "one for all" card. And, as seal of quality for our own customer service, we're cooperating with Compaq in the field of computer maintenance services.

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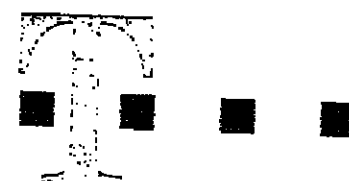
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Earlier losses halved

TRADING PERIOD: Settlement takes place five business days after the day of trade. Changes are calculated on the previous day's close, but adjustments are made when a stock is ex-dividend. Changes, yields and price/earnings ratios are based on middle prices.

1995	High	Low	Company	Price	Div	Yield	P/E
BANKS							
Barclays	125.00	124.00	Barclays Bank	124.50	0.00	4.50	12.50
Bank of Scotland	110.00	109.00	Bank of Scotland	109.50	0.00	4.50	12.50
Bank of Ireland	105.00	104.00	Bank of Ireland	104.50	0.00	4.50	12.50
Bank of Wales	100.00	99.00	Bank of Wales	99.50	0.00	4.50	12.50
Bank of Cyprus	95.00	94.00	Bank of Cyprus	94.50	0.00	4.50	12.50
Bank of Greece	90.00	89.00	Bank of Greece	89.50	0.00	4.50	12.50
Bank of Spain	85.00	84.00	Bank of Spain	84.50	0.00	4.50	12.50
Bank of Portugal	80.00	79.00	Bank of Portugal	79.50	0.00	4.50	12.50
Bank of France	75.00	74.00	Bank of France	74.50	0.00	4.50	12.50
Bank of Italy	70.00	69.00	Bank of Italy	69.50	0.00	4.50	12.50

1995	High	Low	Company	Price	Div	Yield	P/E
DISTRIBUTORS							
Asda	120.00	119.00	Asda Stores	119.50	0.00	4.50	12.50
Debenhams	115.00	114.00	Debenhams Group	114.50	0.00	4.50	12.50
John Lewis	110.00	109.00	John Lewis Partnership	109.50	0.00	4.50	12.50
Next	105.00	104.00	Next plc	104.50	0.00	4.50	12.50
Primark	100.00	99.00	Primark plc	99.50	0.00	4.50	12.50
Primark	95.00	94.00	Primark plc	94.50	0.00	4.50	12.50
Primark	90.00	89.00	Primark plc	89.50	0.00	4.50	12.50
Primark	85.00	84.00	Primark plc	84.50	0.00	4.50	12.50
Primark	80.00	79.00	Primark plc	79.50	0.00	4.50	12.50
Primark	75.00	74.00	Primark plc	74.50	0.00	4.50	12.50

1995	High	Low	Company	Price	Div	Yield	P/E
BREWERIES							
Asahi	120.00	119.00	Asahi Breweries	119.50	0.00	4.50	12.50
Beck's	115.00	114.00	Beck's Breweries	114.50	0.00	4.50	12.50
Carlsberg	110.00	109.00	Carlsberg Breweries	109.50	0.00	4.50	12.50
Heineken	105.00	104.00	Heineken Breweries	104.50	0.00	4.50	12.50
Kaiser	100.00	99.00	Kaiser Breweries	99.50	0.00	4.50	12.50
Miller	95.00	94.00	Miller Breweries	94.50	0.00	4.50	12.50
Orkla	90.00	89.00	Orkla Breweries	89.50	0.00	4.50	12.50
Reckitt	85.00	84.00	Reckitt Breweries	84.50	0.00	4.50	12.50
Stellbrugg	80.00	79.00	Stellbrugg Breweries	79.50	0.00	4.50	12.50
Wassermann	75.00	74.00	Wassermann Breweries	74.50	0.00	4.50	12.50

1995	High	Low	Company	Price	Div	Yield	P/E
BUILDING & CONSTRUCT							
Arcon	120.00	119.00	Arcon Construction	119.50	0.00	4.50	12.50
Barton	115.00	114.00	Barton Construction	114.50	0.00	4.50	12.50
Bellway	110.00	109.00	Bellway Construction	109.50	0.00	4.50	12.50
Bovis	105.00	104.00	Bovis Construction	104.50	0.00	4.50	12.50
Chambers	100.00	99.00	Chambers Construction	99.50	0.00	4.50	12.50
Chambers	95.00	94.00	Chambers Construction	94.50	0.00	4.50	12.50
Chambers	90.00	89.00	Chambers Construction	89.50	0.00	4.50	12.50
Chambers	85.00	84.00	Chambers Construction	84.50	0.00	4.50	12.50
Chambers	80.00	79.00	Chambers Construction	79.50	0.00	4.50	12.50
Chambers	75.00	74.00	Chambers Construction	74.50	0.00	4.50	12.50

1995	High	Low	Company	Price	Div	Yield	P/E
DIVERSIFIED INDUSTRIALS							
Adams	120.00	119.00	Adams Industries	119.50	0.00	4.50	12.50
Adams	115.00	114.00	Adams Industries	114.50	0.00	4.50	12.50
Adams	110.00	109.00	Adams Industries	109.50	0.00	4.50	12.50
Adams	105.00	104.00	Adams Industries	104.50	0.00	4.50	12.50
Adams	100.00	99.00	Adams Industries	99.50	0.00	4.50	12.50
Adams	95.00	94.00	Adams Industries	94.50	0.00	4.50	12.50
Adams	90.00	89.00	Adams Industries	89.50	0.00	4.50	12.50
Adams	85.00	84.00	Adams Industries	84.50	0.00	4.50	12.50
Adams	80.00	79.00	Adams Industries	79.50	0.00	4.50	12.50
Adams	75.00	74.00	Adams Industries	74.50	0.00	4.50	12.50

1995	High	Low	Company	Price	Div	Yield	P/E
ELECTRICITY							
British	120.00	119.00	British Electricity	119.50	0.00	4.50	12.50
British	115.00	114.00	British Electricity	114.50	0.00	4.50	12.50
British	110.00	109.00	British Electricity	109.50	0.00	4.50	12.50
British	105.00	104.00	British Electricity	104.50	0.00	4.50	12.50
British	100.00	99.00	British Electricity	99.50	0.00	4.50	12.50
British	95.00	94.00	British Electricity	94.50	0.00	4.50	12.50
British	90.00	89.00	British Electricity	89.50	0.00	4.50	12.50
British	85.00	84.00	British Electricity	84.50	0.00	4.50	12.50
British	80.00	79.00	British Electricity	79.50	0.00	4.50	12.50
British	75.00	74.00	British Electricity	74.50	0.00	4.50	12.50

1995	High	Low	Company	Price	Div	Yield	P/E
ELECTRONIC & ELECT							
Adams	120.00	119.00	Adams Electronics	119.50	0.00	4.50	12.50
Adams	115.00	114.00	Adams Electronics	114.50	0.00	4.50	12.50
Adams	110.00	109.00	Adams Electronics	109.50	0.00	4.50	12.50
Adams	105.00	104.00	Adams Electronics	104.50	0.00	4.50	12.50
Adams	100.00	99.00	Adams Electronics	99.50	0.00	4.50	12.50
Adams	95.00	94.00	Adams Electronics	94.50	0.00	4.50	12.50
Adams	90.00	89.00	Adams Electronics	89.50	0.00	4.50	12.50
Adams	85.00	84.00	Adams Electronics	84.50	0.00	4.50	12.50
Adams	80.00	79.00	Adams Electronics	79.50	0.00	4.50	12.50
Adams	75.00	74.00	Adams Electronics	74.50	0.00	4.50	12.50

1995	High	Low	Company	Price	Div	Yield	P/E
BUILDING MATERIALS							
Adams	120.00	119.00	Adams Building Materials	119.50	0.00	4.50	12.50
Adams	115.00	114.00	Adams Building Materials	114.50	0.00	4.50	12.50
Adams	110.00	109.00	Adams Building Materials	109.50	0.00	4.50	12.50
Adams	105.00	104.00	Adams Building Materials	104.50	0.00	4.50	12.50
Adams	100.00	99.00	Adams Building Materials	99.50	0.00	4.50	12.50
Adams	95.00	94.00	Adams Building Materials	94.50	0.00	4.50	12.50
Adams	90.00	89.00	Adams Building Materials	89.50	0.00	4.50	12.50
Adams	85.00	84.00	Adams Building Materials	84.50	0.00	4.50	12.50
Adams	80.00	79.00	Adams Building Materials	79.50	0.00	4.50	12.50
Adams	75.00	74.00	Adams Building Materials	74.50	0.00	4.50	12.50

1995	High	Low	Company	Price	Div	Yield	P/E
BUSINESS SERVICES							
Adams	120.00	119.00	Adams Business Services	119.50	0.00	4.50	12.50
Adams	115.00	114.00	Adams Business Services	114.50	0.00	4.50	12.50
Adams	110.00	109.00	Adams Business Services	109.50	0.00	4.50	12.50
Adams	105.00	104.00	Adams Business Services	104.50	0.00	4.50	12.50
Adams	100.00	99.00	Adams Business Services	99.50	0.00	4.50	12.50
Adams	95.00	94.00	Adams Business Services	94.50	0.00	4.50	12.50
Adams	90.00	89.00	Adams Business Services	89.50	0.00	4.50	12.50
Adams	85.00	84.00	Adams Business Services	84.50	0.00	4.50	12.50
Adams	80.00	79.00	Adams Business Services	79.50	0.00	4.50	12.50
Adams	75.00	74.00	Adams Business Services	74.50	0.00	4.50	12.50

1995	High	Low	Company	Price	Div	Yield	P/E
ENGINEERING VEHICLES							
Adams	120.00	119.00	Adams Engineering Vehicles	119.50	0.00	4.50	12.50
Adams	115.00	114.00	Adams Engineering Vehicles	114.50	0.00	4.50	12.50
Adams	110.00	109.00	Adams Engineering Vehicles	109.50	0.00	4.50	12.50
Adams	105.00	104.00	Adams Engineering Vehicles	104.50	0.00	4.50	12.50
Adams	100.00	99.00	Adams Engineering Vehicles	99.50	0.00	4.50	12.50
Adams	95.00	94.00	Adams Engineering Vehicles	94.50	0.00	4.50	12.50
Adams	90.00	89.00	Adams Engineering Vehicles	89.50	0.00	4.50	12.50
Adams	85.00	84.00	Adams Engineering Vehicles	84.50	0.00	4.50	12.50
Adams	80.00	79.00	Adams Engineering Vehicles	79.50	0.00	4.50	12.50
Adams	75.00	74.00	Adams Engineering Vehicles	74.50	0.00	4.50	12.50

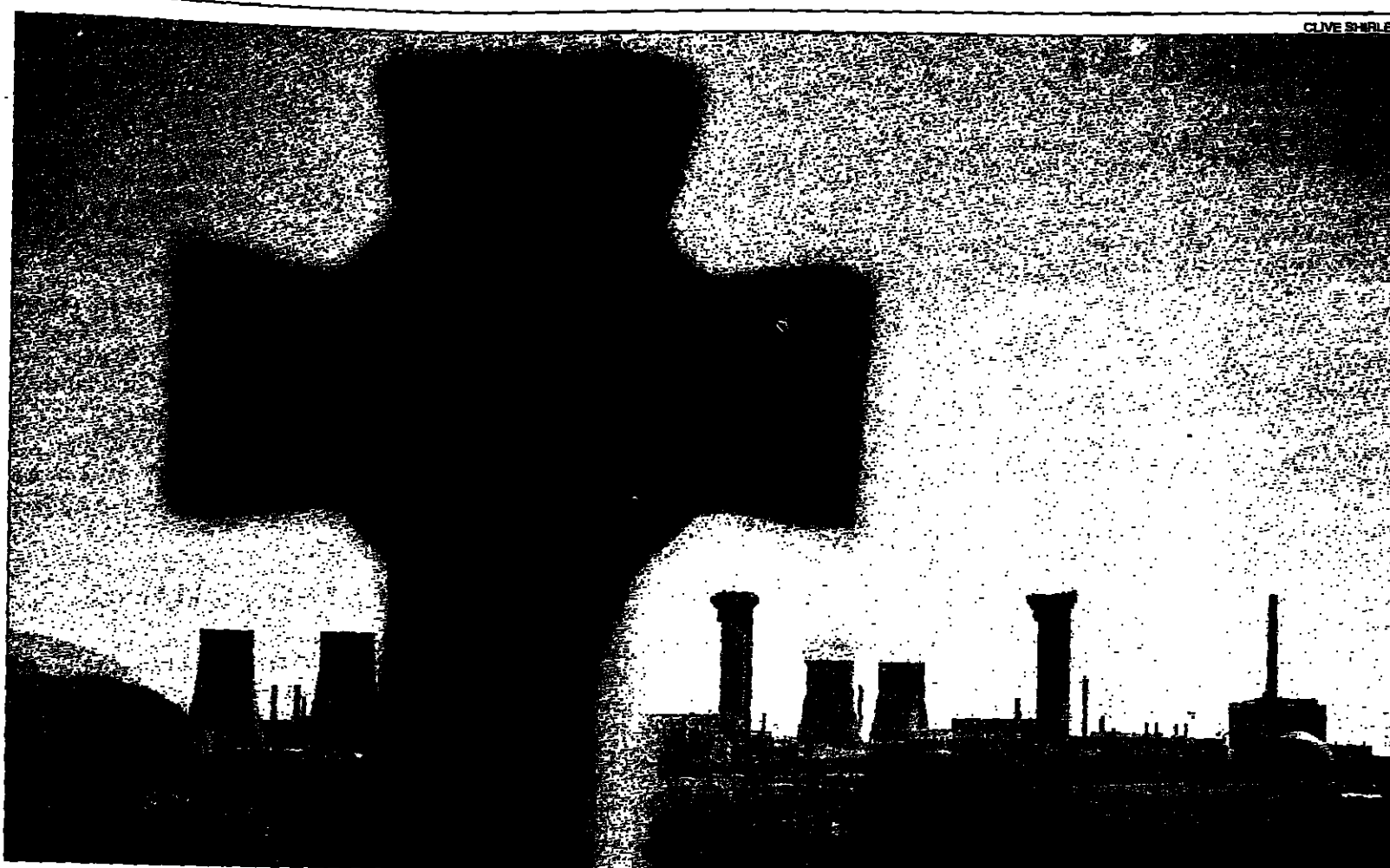
1995	High	Low	Company	Price	Div	Yield	P/E
FOOD MANUFACTURERS							
Adams	120.00	119.00	Adams Food Manufacturers	119.50	0.00	4.50	12.50
Adams	115.00	114.00	Adams Food Manufacturers	114.50	0.00	4.50	12.50
Adams	110.00	109.00	Adams Food Manufacturers	109.50	0.00	4.50	12.50
Adams	105.00	104.00	Adams Food Manufacturers	104.50	0.00	4.50	12.50
Adams	100.00	99.00	Adams Food Manufacturers	99.50	0.00	4.50	12.50
Adams	95.00	94.00	Adams Food Manufacturers	94.50	0.00	4.50	12.50
Adams	90.00	89.00	Adams Food Manufacturers	89.50	0.00	4.50	12.50
Adams	85.00	84.00	Adams Food Manufacturers	84.50	0.00	4.50	12.50
Adams	80.00	79.00	Adams Food Manufacturers	79.50	0.00	4.50	12.50
Adams	75.00	74.00	Adams Food Manufacturers	74.50	0.00	4.50	12.50

1995	High	Low	Company	Price	Div	Yield	P/E
LEISURE & HOTELS							
Adams	120.00	119.00	Adams Leisure & Hotels	119.50	0.00	4.50	12.50
Adams	115.00	114.00	Adams Leisure & Hotels	114.50	0.00	4.50	12.50
Adams	110.00	109.00	Adams Leisure & Hotels	109.50	0.00	4.50	12.50
Adams	105.00	104.00	Adams Leisure & Hotels	104.50	0.00	4.50	12.50
Adams	100.00	99.00	Adams Leisure & Hotels	99.50	0.00	4.50	12.50
Adams	95.00	94.00	Adams Leisure & Hotels	94.50	0.00	4.50	12.50
Adams	90.00	89.00	Adams Leisure & Hotels	89.50	0.00	4.50	12.50
Adams	85.00	84.00	Adams Leisure & Hotels	84.50	0.00	4.50	12.50
Adams	80.00	79.00	Adams Leisure & Hotels	79.50	0.00	4.50	12.50
Adams	75.00	74.00	Adams Leisure & Hotels	74.50	0.00	4.50	12.50

1995	High	Low	Company	Price	Div	Yield	P/E
HEALTHCARE							
Amescan	869	-	6	24	18.6		
Amgen	115	-	1	23	12.9		
Amgen	321	-	0	40	22.2		
Becton Dickinson	499	+25	0	44	17.9		
Celanese	136	-	1	4	17.9		
Celanese	136	-	1	4	17.9		
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In the shadow of Sellafield: the action brought by families of childhood leukaemia victims could be one of the last if legal aid changes go through

A win for the Goliaths?

Two years ago I suggested that whatever the outcome of the case brought by the families of childhood leukaemia victims around the Sellafield nuclear facility, the action had been a triumph for British justice in giving the weapon to the Davids to take on the corporate Goliaths.

But now the prospect of the playing field being kept level looks bleak. In recent years legal aid funds have been provided to allow many groups of victims to bring legal action, whether from drugs, such as the Thalidomide and Open victims, those who suffered from various disasters, such as Hillsborough, Zeebrugge and King's Cross, and those who allegedly suffered from environmental pollution, such as the Camelford families or the children from near Sellafield and Dounreay.

Many of these cases have succeeded, and the costs recovered to the public purse. But it is the nature of these actions that some have been lost, with subsequent cost to the taxpayer. And it has been those losses — and in particular that of an estimated £30 million in the litigation over tranquillisers — that led to the Lord Chancellor and Lord Woolf contemplating changes to the system.

The Lord Chancellor has already published a Green Paper on legal aid. He suggests all group actions should come under central control, principally of the Legal Aid Board, with a capped budget, and that all group actions be put out to tender, with price (in terms of fixed fees) being a prime consideration in the decision-making process.

Lord Woolf is now consider-

Proposals to revamp the legal aid system could mean that individuals cannot take on corporations, says Martyn Day

ing group actions and is due to report next year. His early thinking seems to be following a Legal Aid Board proposal to have tribunals determine the liability of corporations. What appears to be driving him is a concern that the adversarial system is too costly and has too little control of the outcome. In particular, he is concerned about the US position where a number of companies, faced with massive claims in their class actions, have gone into Chapter 11 Bankruptcy. He wants a system where the judges can control the process. The claims would be considered by an inquisitorial team, with most of the investigative work undertaken by a tribunal, not by the two parties as now.

In the meantime, the Law Society working party of plaintiffs' and defendants' lawyers has proposed ways to streamline the legal system so that group actions are more efficiently and effectively run. These proposals should be implemented; not least because they should go hand-in-hand with those Lord Woolf has espoused in his report, and the Lord Chief Justice's Practice Direction of January 1995, which, like the Law Society and Woolf proposals, was also devoted to cutting the length and costs of actions.

But there are problems both with the Lord Chancellor's proposals for legal aid and with Lord Woolf's plans. Fixed fees carry the danger that the quality of the plaintiffs' team would be driven down. This would reduce their chance of winning and increase the chances of costs not being recovered. There is a further problem in the knowledge defendants will have about the fixed-price contract. This will enable them to draw out the case either to bankrupt or certainly to hamper the plaintiffs' legal team.

Yet while these proposals tilt the playing field in the defendants' favour, they do at least keep David on the field. Lord Woolf's proposals may well drive plaintiffs off the field altogether, with only the referee between the corporate defendants and an empty net. Our civil system is based on the principle that plaintiffs who allege they have been damaged put together their case to present to a court. This gives defendants full opportunity to respond. The idea that a tribunal would make an investigation and come to a decision on whether the defendants are liable, with little input from the plaintiff victims themselves, would be a move away from the empowerment of individuals to set out their own case, at a time when the rights of the citizen are seen as being of fundamental importance to our society. Such a step would be extremely retrogressive.

A further problem is that defendants are likely to demand access to the tribunal in terms of detailed oral and written submissions. They would want to instruct experts and lawyers to defend their position against counterpoints made by the tribunal teams and their experts. This would be likely to cost similar sums to those they incur in defending an action at present.

Would the plaintiffs simply be left on the sidelines as observers or given access to the tribunal, which would mean granting them the funds to be properly represented? The former would bring about a grave injustice; the latter would mean that costs were likely to be no different or even more than now.

Lord Woolf's concerns about the prospect of bankruptcy for some of our major corporations through the running of group actions seems rather far fetched to those of us in the field. So far the amount of damages paid in these types of actions have been peanuts compared with the value of the companies. The only case on the horizon where the possibility holds any sort of water is that of the tobacco litigation. Clearly, the fact that so many hundreds of thousands of people have died from smoking means that if the claims succeed, the tobacco industry would be in dire straits. But Lord Woolf seriously suggesting that companies like these need the protection of the courts? These are the companies which have appointed huge legal teams to

defend actions both in this country and the United States. Is Lord Woolf suggesting that companies should not be held fully to account for the devastation they have caused throughout our society if the courts hold them liable?

The British courts have often shown they have the strength and independence to bring the might of the Government to book when it has taken steps outside the rule of law. It would be a very sad state of affairs if one of the proudest upholders of that tradition were to take away the power of individuals to hold corporations to book for their actions, in the same way.

● The author is the co-author with Paul Balen and Geraldine McCool of *Multi Party Actions*, published by LAG (0171-833 2931), £35.

Judicial review can improve government

In 1971, the Home Secretary, Reginald Maudling, told the House of Commons that he had "never seen the sense of administrative law in our country, because it is only someone else taking the Government's decision for them". There remains widespread ignorance among politicians, journalists and members of the public about the role and effect of judicial review of administrative action.

Judicial review is the procedure by which the High Court considers the legality, rationality and procedural fairness of decisions by ministers, local authorities, and other public bodies. The important function of judicial review in remedying misuse of power is in danger of being undermined by misunderstandings and misrepresentations.

Whenever a minister loses a judicial review, he or she is now the subject of an attack on his or her competence or integrity. But ministers take dozens of decisions every day. Only a tiny proportion of those decisions are challenged in court. The majority of such complaints fail. "Dog bites man" is not news, and so the press has no interest in reporting that a challenge to a decision has been rejected.

In any event, it is not a matter of shame for a respondent to lose a judicial review application. As Sir John Donaldson, then Master of the Rolls, explained in a 1986 decision, "errors will occur despite the best of endeavours. It is not discreditable to get it wrong". The law is complex, indeed so complex that we have a Court of Appeal and the Appellate Committee of the House of Lords to correct the errors of more junior judges. Occasionally, the law lords disagree among themselves on the meaning and application of the law.

The Government itself is partly to blame for the frenzied atmosphere which now surrounds judicial review.

Rational consideration of the relationship between the executive and the judiciary is not promoted when a government department briefs the press that an adverse judicial review decision by one judge did not much matter because that judge had been over-ruled by the Court of Appeal on a previous occasion; a minister erroneously asserts that a decision by the Court of Appeal to reject a complaint that a policy was irrational means that the judges were giving their personal approval to that policy; and the Conservative Party chairman, Dr Brian Mawhinney, tells the party conference that the public should write in and complain about lenient sentences imposed by judges on criminals.

Fortunately, there is an effective remedy for much of this ignorance. Until they recover

their faculties, ministers and their critics need to take, at regular intervals, large doses of de Smith, Woolf and Jowell's *Judicial Review of Administrative Action* (published last month by Sweet & Maxwell, £25).

Lord Woolf, a law lord, and Professor Jeffrey Jowell, QC, professor of public law at University College London, have produced a new edition (the first since 1980) of the late Stanley de Smith's original 1959 work. This revised edition has been long awaited. The delay is plainly the result of the authors' compliance with what administrative lawyers know as the requirement of "anxious scrutiny" of difficult issues.

Judicial Review of Administrative Action is an indispensable guide to the content of our public law. It passes with distinction the only test that matters to lawyers who are advising clients, or to judges who have to decide cases: it supplies the answers to complex legal problems. But de Smith, Woolf and Jowell's work is much more than a useful textbook. It has four outstanding qualities.

It provides a synthesis of a mass of judicial authority into comprehensible principles which make coherent what might otherwise remain as isolated strands or ideas. It directs attention to academic writings, and to analogous developments in administrative law in the Commonwealth and in Europe, factors which will substantially influence the future direction of public law in this country. It is superbly well-written, with a range of references from the commitment to procedural fairness in the proverbs of the Lozi tribe in Barotseland to the circumstances in which Bertrand Russell was awarded a scholarship. And the book displays an understanding of the process of government and a fund of good sense which enables it eloquently to explain and justify the constitutional legitimacy of judicial review as a contribution to the integrity of public decision-making in this country.

De Smith, Woolf and Jowell recognise the many defects of our administrative law. In some areas, there "lurk terminological and conceptual problems of excruciating complexity". Other topics have the characteristics of "a legal porcupine which bristles with difficulty as soon as it is touched". But the issues of policy and principle are considered with such generous quantities of the fairness and reasonableness which administrative law seeks to promote that *Judicial Review of Administrative Action* will itself make a valuable contribution to good government.

● The author is a practising barrister and a Fellow of All Souls College, Oxford.



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ZMB

Painful lesson

PRESTON firm Dickson Haslam has sent out a call for help over a personal injury action which will confirm for many that a driving instructor's lot is not a happy one. The firm is acting for an examiner who suffered whiplash injuries during an emergency stop procedure. It is the first time Dickson Haslam has helped driving instructors or examiners injured in the line of duty. The firm is, however, keen to hear from any other solicitors who have successfully conducted litigation with similar claims.

● THE fevered speculation among City lawyers can end. Maurice Allen, the man hired from Clifford Chance to set up the London office of Weil, Gotshal & Manges, will

be on at least £500,000. The figure will be released in next week's Legal Business.

Party piece

ADVOCATES based at Lincoln's Inn will be making the short journey to swinging Soho this evening for their annual Christmas bash. Tickets for the black-tie party at the Wag Club in Wardour Street cost £5 and are available from the student office in the Briefs coffee bar in Lincoln's Inn from 1pm to 2pm.

Blair affair

AN embarrassing gap in an otherwise impressive national network of parliamentary liaison officers was revealed at a recent gathering of local Law

Society activists. The annual conference of public relations and parliamentary liaison officers, which met at the Law Society last month, expressed grave concern at Labour's plans for the profession. Urging solicitors to step up their lobbying, Andrew Lockley, head of corporate and regional affairs, told the meeting of his horror when he discovered recently that there was no local liaison officer in Labour leader Tony Blair's Sedgefield constituency.

● BARRISTERS seeking a decidedly more noisy alternative to the traditional Inns of Court Christmas carol concerts are being offered the chance to see Gary Glitter. Six standing-only tickets for his concert at the London

Arena on Saturday, December 16 are being advertised on the Gray's Inn library noticeboard. There is, however, no suggestion that the outing is an official one.

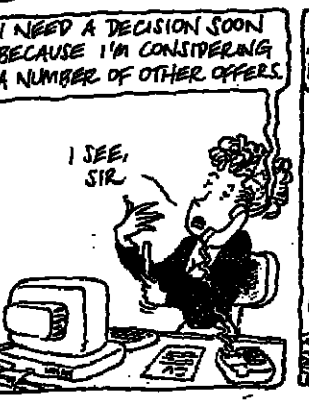
Son shines

AMONG the barristers elected to the Bar Council in the annual elections earlier this month is the commercial law specialist Adam Goodison, who has a first-class political pedigree. The tenant of 3 South Square, Gray's Inn, was elected on a seat reserved for barristers of under seven years call. But if he displays the same political ambition and acumen as his father, Sir Nicholas Goodison, his career on the Bar Council will be well worth watching. City lawyers will be familiar with Sir Nicholas, who was chairman of the Stock Exchange for well over a decade.

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RESOURCES LEAD ASSISTANT TO £47,500
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EMPLOYMENT LEAD ASSISTANT TO £55,000
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COMPLIANCE MANAGEMENT TO £55,000
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Defusing the age bomb

Politicians are vying to protect older workers, says James Davies

Tony Blair has promised that a future Labour government would bring in legislation to combat age discrimination. With a demographic time bomb approaching, all the political parties accept that steps must be taken to tackle the disadvantages faced by older workers. But can laws change attitudes?

The parties are divided on the issue: the Conservatives oppose legislation, arguing it would be ineffective and a burden on business. They advocate a persuasive approach and, to this end, the Government set up an Advisory Group on Older Workers, which has drawn up a code of practice for employers. There are some signs that persuasion can work: initiatives have been launched, such as the Carnegie Third Age Programme, which recently drew the support of several large companies, and B&Q's successful experiment of employing only the over-50s at its Macclesfield store.

But the discrimination suffered by older workers permeates the labour market, and a persuasive approach may be too little, too late. Statistics show that older workers stay unemployed longer than younger ones. Studies of employers and the way they advertise jobs also reveal ageist attitudes. A 1990 study of 250 personnel directors showed that 86 per cent of employers regarded the under-35s as being most appropriate to their recruitment needs. A 1993 survey of more than 4,000 newspaper advertisements showed that 30 per cent stated an age preference or requirement.

What happens elsewhere? The United States has had comprehensive age discrimination legislation since 1967, and protection is also afforded to workers in Canada. New



Cashiered: mature people can prove productive employees, but age discrimination now even affects the under-40s

Zealand and many Australian states. In Europe, France and Sweden have limited age discrimination laws, and other countries such as Spain, Portugal and Italy include broad anti-discriminatory provisions within their constitutions.

American research on the effectiveness of these laws shows mixed results. There has been little effect on the labour-participation rates of older workers and, in practice, most of the legal claims made have been brought by highly paid white managers following dismissal.

Many reasons are given for the need to combat age discrimination. These are often an uneasy mix of social justice and economic rationality, but perhaps the overriding justification is the so-called demographic time bomb. Over the next 20 years, the number of 21 to 29-year-olds in the UK is projected to fall by 21 per cent, while the number of 50 to 59-

year-olds will rise by 20 per cent. It will become increasingly difficult for a working population to support a large "retired" population. One obvious way of defusing the time bomb would be to enable workers to remain economically active for longer. In Sweden, employees are encouraged to phase themselves into retirement between the ages of 60 and 70.

If legislation were to be introduced, what would be its scope? It could be limited merely to outlawing age limits in job advertisements, as in Sweden or France, or it could go further, in which case minimum or maximum age limits for protection would have to be considered. American legislation only protects those older than 40. Such a limit ignores the problems faced by many workers who are considered over the hill even before they reach the age of 40. It could also result in

employers dismissing employees shortly before they reach 40 in order to deprive them of protection. There is, however, no upper age limit, effectively outlawing mandatory retirement ages. The American system also excludes small employers (with less than 20 employees). There is also a defence if a person's age is considered a bona fide occupational qualification.

Legislation could cover indirect as well as direct discrimination. This occurs when an unjustified requirement or condition is imposed which disproportionately disadvantages a protected group. In one American case, for example, a requirement for teachers to have less than five years' experience was held to discriminate indirectly against older teachers.

An idea of the courts' approach to the justification of

age limits can be seen from cases brought under sex discrimination legislation. Where a complainant has been able to show that an age limit disproportionately disadvantages women (who are more likely to take career breaks), the courts have gone on to consider the justifiability of age limits. For example, an age limit of 28 for appointment as a Civil Service executive officer was held unjustifiable, whereas an age limit of 32 for the diplomatic service was justifiable.

Clearly, much more needs to be done to reduce the injustice faced by older workers and to defuse the demographic time bomb. The benefits from having age discrimination legislation, however, may not be to bestow individual rights so much as to act as a catalyst to change public perceptions.

● The author is an employment partner with Lewis Silkin, solicitors.

LEGAL NEWS ROUND-UP

Attack on copyright

A HIGH COURT judge has delivered a strong attack over the exploitation of Crown copyright in statutes and laws which should be "freely available to all".

Frances Gibb writes. Mr Justice Laddie was commenting on the recent issue of a writ by Her Majesty's Stationery Office against Butterworths, the legal publishers, in a wrangle over the use of Inland Revenue tax manuals.

Giving the Intellectual Property Institute Memorial Lecture in London last week, the judge said he could not comment on whether the HMSO was right as a matter of law. But he added: "It is legitimate to point out that the frenzy to get on the copyright bandwagon now extends to the legislature seeking to make money out of the exploitation of the legislation which it passes and which should be available to all."



Mr Justice Laddie

Mr Justice Laddie went on to condemn others, such as scientists, for joining the scramble to make use of copyright. Until recently it was normal for scientists to share knowledge with their colleagues at symposia at the earliest possible date, he said. "New experimental results were disclosed in this way. The plaudits of col-

leagues were reward enough. This system began to crumble with the realisation of the value of patents."

Many senior researchers now no longer published their results in the scientific press or at meetings, he said. "Now they, and the universities or hospitals they work for, make sure they have applied for patents first." But he admitted that it was hard to argue that scientists should stand aloof when so many others are using "the armoury of intellectual property rights, including copyright, to make money."

Mr Justice Laddie questioned whether such wide copyright laws were "morally or economically justified". "You can have too much of a good thing and I suggest we have got too much copyright," he said. "The basic rule should be that no monopoly should exist unless it was shown to be justified."

IBA launches human rights institute

TODAY sees the launch of the International Bar Association's human rights institute, with Nelson Mandela as its honorary president.

The institute is the brainchild of Professor Ross Harper, president of the IBA, following the organisation's success in persuading the Japanese government to address the system of holding prisoners for extended periods without legal representation.

"Lawyers above all have a duty to protect the rule of law," he said. "There is a clear connection between human rights and democracy, and there is a growing connection between those rights and economic development. Companies will be reluctant to invest in countries where there is no rule of law, and, when they do, are subject to intense pressure from both within and

outside that country — witness Nigeria."

The IBA is supporting the initiative with funding of more than £50,000, which will be supplemented by contributions from members and donations from human rights organisations.

Police body

A NEW association of lawyers who advise the police has been formed.

The Association of Police Lawyers consists of lawyers employed either by chief constables or by local councils but whose main work is advising the police.

Chris Porteous, solicitor to the Metropolitan Police, said: "The new association will provide police with a better legal service, and will provide training and advice for lawyers, who will be able to call on the expertise of fellow members."

Details from Howard Llewellyn, legal adviser to Ben Gunn, the Chief Constable of Cambridgeshire, on 01480 456111.

Fund to fight tax

CITY law firm Norton Rose is setting up a fighting fund to help a client do battle with the Inland Revenue.

The fund will be used to fight a Court of Appeal challenge by the Revenue over an arrangement to reduce inheritance tax. The arrangement works by transferring freehold properties from elderly owners to their children, while allowing the parents to remain in the house as tenants.

Michael Macfadyen, a partner with the firm, is asking law and accountancy firms throughout the country to chip in £500 for every client who may be affected by the case.

Channel 5 review

CAMPBELL, HOOPER is acting for Virgin TV in its judicial review application on Channel 5, and not Freshfields or Harbottle & Lewis, as stated in the Law pages last week.

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COMMERCIAL LITIGATION To £40,000
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INSOLVENCY LITIGATOR To £53,000
One of the largest firms in the country with a major presence in London wishes to hear from proven insolvency litigators with between 1-3 years' ppe to supplement their busy litigation practice. Experience with liquidations, receiverships, administrations, bankruptcy and voluntary arrangements is essential. Strong prospects. Ref: T16943

PROJECT FINANCE To £60,000 +
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IN-HOUSE BANKING To £100,000
Renowned Far Eastern bank is looking for individuals with 3-7 years' experience of straight debt, equity, or asset backed finance experience to supplement their City office. Fluency in a European language, preferably French or Italian, is extremely valuable and non-UK qualified lawyers are encouraged to apply. Ref: T25470

GENERAL BANKING LAWYER To £40,000
Major City firm with premier UK and international client base offers outstanding opportunity for 2-3 years' ppe banking lawyer to undertake broad range of general banking, capital markets, securitisation and structured finance work. Applicant should be ambitious, bright and committed. Excellent advancement prospects. Ref: T744



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Effect on competitors irrelevant Whether case should be adjourned

Regina v Yorkshire Regional Health Authority, Ex parte Suri
Regina v Same, Ex parte Gompels (David) and Others
Regina v Same, Ex parte Same

Before Lord Justice Russell, Lord Justice Thorpe and Sir Ralph Gibson

[Judgment November 29]

Whether a proposed relocation of a pharmacist's premises was a "minor relocation" was a matter of fact and degree to be determined by the Family Health Services Authority. A possible detrimental effect of the relocation on a competitor was not a relevant consideration.

The scheme created by part II of the National Health Service (Pharmaceutical Services) Regulations (SI 1992 No 662) relating to the provision of pharmaceutical services by chemists was directed at protecting the interests of those who might wish to avail themselves of pharmaceutical services. There was no need for the authority to investigate in detail the effect of a proposed change on the patient population rather than on the general population of the area.

The Court of Appeal so held dismissing an appeal by Makinder Kaur Suri and two appeals by David Martin Gompels, Mary Hedwidge Gompels and Nicholas James David Gompels against the dismissal by Mr Justice

Popplewell on July 1, 1994 of their applications for judicial review to quash decisions taken by the Yorkshire Health Authority allowing applications from three other pharmacists to move their premises from one location to another.

Regulation 4 of the 1992 Regulations provides: "(3) ... where the applicant intends (a) to change within the neighbourhood the premises from which he provides pharmaceutical services, being the same services as he intends to provide from the new premises, and the Family Health Service Authority is satisfied that the change is a minor relocation ... the application shall be granted by the Family Health Services Authority."

Mr Eldred Tabachnick, QC and Mr Jonathan Fisher for the Gompels; Miss Alice Robinson for Miss Suri; Mr Jonathan Harvie, QC and Miss Judith Beale for Mrs Kaur Suri; Mr Simon Hawkesworth, QC and Mr Keith Freeman for the health authority; Miss Cherie Booth, QC and Miss H. Cooper for Lloyds.

LORD JUSTICE RUSSELL said that in the first application Miss Suri sought to quash a decision permitting G. W. Taylor Ltd to move its premises in Nottingham, and in the second and third applications the Gompels sought to quash decisions allowing Lloyds Retail Chemists and Boots The

Chemists to move their premises to a new location in Meltham. In all three cases the moves involved the new premises being situated very close to the applicants' existing premises.

In his Lordship's judgment, it was clear that the whole scheme created by the regulations was directed at protecting the interests of those who might wish to avail themselves of pharmaceutical services. By regulation 4(3) a minor relocation would be allowed only if it satisfied four criteria, all designed to ensure that patients' interests were properly served.

Taking each of the criteria in turn, his Lordship said in all three cases, the Family Health Services Authority was entitled to rule that the moves were within the same neighbourhood and it was conceded that the services to be provided in the new premises were the same as in the old and that there would be no interruption of pharmaceutical services.

Almost all the conflicting submissions had been directed to the question of fact and degree: namely, whether the relocation was a minor relocation. Provided the proper approach to the words used in the regulation was adopted the answer would inevitably be a question of fact and degree. It was not a question of law, and not a question of principle, and not a question of public interest. The words "a minor relocation"

were plain English words meaning no less and no more than they said. The Family Health Service Authority had to ask itself whether in the circumstances of the individual case a move from local A to location B was anything other than a minor move. The essential question was one of geography and topography.

The authority was not obliged to take into account as a material factor in deciding whether relocation was a minor move the potential effect of the move on upon competitors of the applicant. The regulation was silent as to commercial competition.

Lord Justice Stuart Smith in *R v Cumberland Family Practitioner Committee, Ex parte Boots The Chemists Ltd* (The Times November 25, 1988) had decided that guidelines issued by the Department of Health and Social Security in *Family Practitioner: New Arrangements for the Control of Entry to Pharmaceutical Lists (HC (F) 67) 2 DHSS* were misleading and wrong in saying that a change of premises could not amount to a minor relocation if it significantly affected a competitor. His Lordship approved that decision.

Lord Justice Thorpe and Sir Ralph Gibson gave concurring judgments.

Solicitors: Charles Russell; Mr David F. Charlton, Nottingham; Miss J. E. Perrett, Harrogate; Mr Stephen W. Buckell, Tamworth.

Regina v Birmingham City Coroner, Ex parte Najada
 Before Lord Justice Neill, Lord Justice Auld and Sir Iain Glidewell [Judgment November 23]

An applicant for judicial review was entitled to have his application heard as soon as was reasonably practicable, and a respondent seeking an adjournment of the proceedings had to justify it.

The court, in considering whether there was such justification, was entitled to take into account, not only the alleged infringement of legal rights, but also whether, assuming that the applicant could establish them, the court would be likely in its discretion to grant relief.

The Court of Appeal so held dismissing an appeal by the applicant, Dr Salim Fadel Najada, from Mr Justice Popplewell's order, on May 4, 1995, granting the application of Dr Richard M. Whittington, Birmingham City Coroner, for an adjournment of Dr Najada's judicial review application.

Following the death of one of Dr Najada's patients a coroner's inquest was held. The coroner was concerned about discrepancies between Dr Najada's oral evidence and his notes, which had been photocopied by the coroner's officer, and questioned him closely about it while he was on the witness stand.

The coroner did not at any stage of the questioning warn Dr Najada, as provided by rule 22 of the Coroners Rules 1984 No 552, that he was not bound to answer any questions that tended to incriminate him. At the conclusion of the inquest the coroner recorded as his verdict that the patient had died "in a natural way brought about by lack of care".

Dr Najada then referred the matter to the General Medical Council and to the police. As a result, Dr Najada was facing prosecution for offences of manslaughter and attempting to pervert the course of justice.

In the meantime, Dr Najada applied successfully for leave to apply for judicial review of the coroner's decision to refuse to adjourn the inquest on three grounds alleging contravention of three Coroner's Rules.

Before the hearing of the substantive judicial review application, the coroner applied for it to be adjourned pending the determination of the criminal proceedings. Dr Najada objected to the application.

Mr Richard Gordon, QC, who did not appear before the court, submitted on behalf of Dr Najada: Mr Richard Russell for the coroner.

LORD JUSTICE AULD said that Mr Gordon's first and main criticism of the judge's decision was that Dr Najada had a right to have it declared publicly that the coroner had committed three serious breaches of the Coroner's Rules; that, given that entitlement, it was for the coroner to justify the adjournment he sought, and he could not do so by characterising the proceedings as academic.

Mr Russell acknowledged that it was for the coroner to justify to the judge, his application for an adjournment; that the justification advanced by the judge was sound, having regard to the discretionary nature of relief in judicial review proceedings.

If the criminal proceedings resulted in a conviction, the High Court would almost certainly exercise its discretion to refuse Dr Najada relief.

If he was acquitted, there would be little point in his proceeding with the judicial review proceedings, and a strong possibility that, if he did, the court would still exercise its discretion to refuse him relief for that reason.

In his Lordship's view there was no great point of principle at play.

There was not yet an issue as to whether Dr Najada should succeed in his application for judicial review of the coroner's conduct of the inquest. The sole question at present was whether that application should be adjourned pending the outcome of criminal proceedings arising out of the facts giving rise to the inquest and the coroner's conduct of it.

No doubt, an applicant for judicial review was entitled to have his application heard as soon as was reasonably practicable, and a respondent seeking an adjournment of the proceedings had to justify it.

In his Lordship's view, the judge, in considering whether there was such justification, was entitled to take into account, not only the alleged infringement of legal rights, but also whether, assuming that the applicant could establish them, the court would be likely in its discretion to grant relief.

An impending criminal trial of the applicant arising out of the same facts as those occasioning the inquest and also its conduct was undoubtedly a matter which, when

concluded, might bear on the question whether relief was appropriate.

His Lordship could see no reason why the judge should not have taken it into account, especially as there was nothing contentious about the trial itself, and, on the judge's view, the judicial review proceedings were likely to be academic whatever its outcome.

As to the latter consideration, in his Lordship's view, the judge was entitled to take the view that continuation of the judicial review proceedings might well become academic whichever way the criminal trial went.

As to rule 22, Mr Gordon suggested that a finding by a High Court judge in the judicial review proceedings that the coroner had breached it, might influence the trial judge in the criminal proceedings to exercise his discretion under section 78 of the Police and Criminal Evidence Act 1984 to exclude Dr Najada's answers to the coroner.

He cited Lord Justice Goff's remark in *R v Greater Manchester Coroner, Ex parte Tai* (1985) QB 67, 81 about the desirability of comity as between first instance judges of equal jurisdiction.

In his Lordship's view, judicial comity had nothing to do with a problem such as the present. Putting aside the question of equality of jurisdiction, the High Court and the criminal court were concerned with different questions of law and fact.

The High Court judge on the

present application would have to decide, on the affidavit evidence before him, whether the coroner, in his questioning of Dr Najada, contravened rule 22 and, if so, whether he should grant relief.

The crown court judge conducting the trial would have to determine on the oral and written evidence before him, whether the coroner's conduct, in breach of rule 22 or not, and any other relevant facts, rendered the evidence of Dr Najada's answers to the coroner about his notes should be excluded.

Given such different exercises and possibly different views, his Lordship did not understand on what basis a declaratory ruling in the judicial review application could properly be put before the judge in the criminal trial.

Nor did his Lordship understand on what basis the latter should allow himself to be influenced by it if it were.

In any event, as the judge observed and Mr Russell had submitted, it was difficult to see what prejudice there would be to Dr Najada in the criminal trial if his answers to the coroner were put in evidence. They were not incriminating. They were exculpatory. He maintained they were true. His Lordship would dismiss the appeal.

Lord Justice Neill and Sir Iain Glidewell agreed.

Solicitors: Howell & Co, Birmingham; Mr Stewart Dobson, Birmingham.

Whether limitation applies to breach of duty

Nelson v Rye and Another
 Before Mr Justice Laddie

[Judgment November 21]

An action for breach of fiduciary duty simpliciter was outside the provisions of the Limitation Act 1980 and was therefore not subject to a period of limitation but where a breach of fiduciary duty gave rise to a constructive trust, the provisions of section 21 of the 1980 Act determined whether there was a limitation period and its duration.

An action for breach of an express trust was also subject to those provisions; and in neither constructive nor express trust cases was it possible to avoid the statutory limitation period by treating the case as one of breach of fiduciary duty.

Mr Justice Laddie so held in the Chancery Division, in giving judgment in an action by the plaintiff, the musician William Nelson, against the defendants, Mark Rye

and Cocteau Records Ltd, in which he claimed (a) an account of moneys received by Mr Rye while acting as his manager between 1980 and 1990, (b) damages for alleged infringement of copyright in certain compositions and (c) delivery up of certain master recordings.

Section 21 of the 1980 Act provides: "(1) No period of limitation prescribed by this Act shall apply to an action by a beneficiary under a trust, being an action ... (b) to recover from the trustee the property or the proceeds of trust property in the possession of the trustee, or previously received by the trustee and converted to his use."

Section 23 provides: "An action for an account shall not be brought after the expiration of any time limit under this Act which is applicable to the claim which is the basis of the duty to account."

Mr Robert Anderson for Mr

Nelson; Mr Robin Oppenheim for the defendants.

MR JUSTICE LADDIE said that while he was not directly concerned with the account, two areas of dispute might significantly affect both what was owed and by whom: namely whether Mr Rye had been entitled first, to 20 per cent of Mr Nelson's gross or net income and in addition his own expenses, the answers to which were "gross" and "no"; second, to rely on defences under the Act or on the ground of unenforceable debt on the part of Mr Nelson.

As to the second, there was no doubt that Mr Rye had owed Mr Nelson a fiduciary duty to account annually, but had not; so there had been a breach by him of that fiduciary duty.

Mr Oppenheim had argued that as the basis of Mr Rye's duty to account was contractual, section 23 applied a six-year contractual

limit. His Lordship disagreed. If that were right, the provisions of section 21(1) would be virtually valueless because in most cases of breach of trust the trustee could argue that he could have been sued for breach of contract.

No limitation period applied, either because the cause of action was outside the Act, or, as his Lordship believed, because it fell within section 21(1)(b). Although not all fiduciary relationships gave rise to constructive trusts, this one did.

However, his Lordship had reached the conclusion, on the facts, that there had been unreasonable delay in commencing these proceedings, so that it would be quite unjust to allow Mr Nelson to seek an account prior to December 24, 1985. The plaintiff had to pay 85 per cent of Mr Rye's costs.

Solicitors: Russell; John Byrne & Co.

Human Rights Law Report

No breach of Convention in removal of marital immunity from rape

S W v United Kingdom

(Case No 471/94/494/576)

C R v United Kingdom

(Case No 481/94/495/577)

Before R. Ryssdal, President and Judges F. Gökcu, C. Russo, J. De Meyer, S. Martens, F. Bigi, Sir John Frelund, P. Jambrek and U. Lohmus

Registrar H Petzold

[Judgment November 22]

The European Court of Human Rights unanimously held, in two judgments, that the United Kingdom's courts' decisions that both applicants could not invoke immunity to escape conviction and sentence for rape and attempted rape upon their wives did not give rise to violations of their rights under article 7.1 of the European

Convention of Human Rights.

Article 7 provides: "1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed."

Case of S W

The applicant was a British citizen. After several years of marital difficulties, his wife told him on September 18, 1990 that she regarded the marriage as over. Later that evening the applicant forced her to have sexual intercourse with him against her will.

The applicant was charged with

rape, threatening to kill and assault. His trial commenced on April 16, 1991.

One month earlier the Court of Appeal had upheld the conviction in *R v R* (1991) 1 AC 599, CA of another man of attempted rape of his wife, the applicant in the case of *C R v United Kingdom*.

Lord Lane, Lord Chief Justice, had ruled that although Sir Matthew Hale had written in 1736 that a man could not rape his wife because she gave a general consent to intercourse at the time of marriage, since then the common law had developed a number of important exceptions to that rule.

That was a legitimate use of the common law which could and should adapt to changing social attitudes. Since there were now so many exceptions to Hale's rule, and since the rule was anachronistic and offensive, it was the duty of the court to abandon it if possible.

He considered the argument that the word "unlawful" in section 1(1) of the Sexual Offences (Amendment) Act 1976 excluded intercourse within marriage from the definition of rape, but concluded that that statutory provision was no obstacle to his declaring that the marital immunity to rape no longer existed.

At the present applicant's trial, Mr Justice Rose held himself bound by the Court of Appeal's decision. The defence argued that that decision had had a retrospective effect contrary to article 7.1 of the European Convention.

However, the judge ruled that marital immunity for rape had been whittled away by judicial decisions over the past 40 years to the extent that it no longer existed, and that that development of the common law was compatible with article 7.

The applicant was convicted by the jury of all three offences and sentenced to five years imprisonment. He lodged an appeal against conviction and sentence, but withdrew the former after the House of Lords upheld the judgment of the Court of Appeal in *R v R* (1991) 1 AC 599, HL.

Case of C R
 The applicant, who was born in 1952, was British and lived in Leicester. After several years of marital difficulties his wife left the matrimonial home. On November 12, 1989 the applicant forced his way into her parents' home and attempted to have sexual intercourse with her against her will.

He was charged with attempted rape and assault. At his trial before Leicester Crown Court on July 30, 1990 the defence submitted that it was not possible in law for a man to rape his own wife. They relied upon a statement made by Sir Matthew Hale in 1736 that upon marriage a wife gave a general consent to intercourse with her husband.

Mr Justice Owen considered a number of exceptions to that rule developed by the common law over the last 50 years, and ruled that since there had been an implicit agreement between the applicant and his wife that their marriage was over, and since she had stopped living with him and had clearly indicated that she no longer consented to intercourse with him, the case fell within two of the exceptions to the immunity established by the case law: see [1991] 1

All ER 747. The applicant then pleaded guilty to both charges and was sentenced to three years imprisonment.

He appealed to the Court of Appeal, which unanimously dismissed his case on March 14, 1991, and to the House of Lords, which on October 23, 1991 unanimously upheld the Court of Appeal's judgment.

Lord Keith of Kinkel explained that the common law could and should evolve to reflect changes in the position of women in society and the institution of marriage. A number of exceptions to Hale's statement had been developed by the common law, and there was no reason why the whole proposition should not be declared inapplicable in modern times.

Furthermore, section 1(1) of the Sexual Offences (Amendment) Act 1976 presented no obstacle to the removal of the marital immunity, because the word "unlawful" in the definition of rape provided by it did not mean "outside marriage", but was in fact "intercourse".

Section 1 of the Sexual Offences (Amendment) Act 1976 provides: "(1) For the purposes of section 1 of the Sexual Offences Act 1956 (which relates to rape) a man commits rape if — (a) he has unlawful sexual intercourse with a woman and (b) at the time of the intercourse does not consent to it."

On November 3, 1994 the Criminal Justice and Public Order Act 1994 replaced the above provisions by inserting new subsections to section 1 of the 1956 Act, one of the effect of which was to remove the word "unlawful".

Section 1 of the substituted section provides: "(1) It is an offence for a man to rape a woman or another man."

"(2) A man commits rape if — (a) he has sexual intercourse with a woman and (b) at the time of the intercourse does not consent to it."

The applications, made on March 29 and 31, 1992, were declared admissible by the Human Rights Commission.

Having attempted unsuccessfully to secure friendly settlements, the Commission adopted reports on June 21, 1994. It had established the facts and expressed the opinion that there had been no violation of article 7.1 of the Convention by 11 votes to 6, and 14 votes to 3, respectively.

The Commission referred both cases to the Court on September 9, 1994.

In two separate judgments, the European Court of Human Rights held as follows:

Alleged violation of article 7
 A general principle

As general principles enshrined in article 7, which was an essential element of the rule of law, occupied a prominent place in the Convention system of protection, as was underlined by the fact that no derogation from it was permitted under article 15 in time of war or other public emergency.

It should be construed and applied, as followed from its object and purpose, in such a way as to provide effective safeguards against arbitrary prosecution, conviction and punishment.

Accordingly, as the Court held in *Kokkinakis v Greece* on May 25,

1993 (Series A No 260-A, p22, paragraph 52), article 7 was not confined to prohibiting the retrospective application of the criminal law to an accused's disadvantage; it also embodied, more generally, the principle that only the law could define a crime and prescribe a penalty (multum crimen, poena sine lege) and the principle that the criminal law must not be extensively construed to an accused's detriment, for instance by analogy.

From those principles it followed that an offence had to be clearly defined in the law. In its aforementioned judgment the Court added that that requirement was satisfied where the individual could know from the wording of the relevant provision and, if need be, with the assistance of the courts' interpretation of it, what acts and omissions would make him criminally liable.

The Court thus indicated that when speaking of "law" article 7 alluded to the very same concept as that to which the Convention referred elsewhere when using that term, a concept which comprised written as well as unwritten law and implied qualitative requirements, notably those of accessibility and foreseeability: see *Tolstoy v United Kingdom* (The Times July 19, 1995; Series A No 316-B, p23, paragraph 37).

However, clearly drafted a legal provision might be, in any system of law, including criminal law, there was an inevitable element of vagueness. There would always be a need for elucidation of doubtful points and for adaptation to changing circumstances.

Indeed, in the United Kingdom, as in the other Convention states, the progressive development of the criminal law through judicial law making was a well entrenched and necessary part of legal tradition.

Article 7 of the Convention could not be read as outlawing the gradual clarification of the rules of criminal liability through judicial interpretation from case to case, provided that the resultant development was consistent with the essence of the offence and could reasonably be foreseen.

B. Application of foregoing principles
 The applicants both maintained that the general common law principle that a husband could not be found guilty of rape upon his wife had been effectively abolished by the House of Commons.

The applicants both maintained that the general common law principle that a husband could not be found guilty of rape upon his wife had been effectively abolished by the House of Commons.

Should a foreseeability test akin to that under article 10.2 apply in the instant case, the applicants were of the opinion that it had not been satisfied.

Although the Court of Appeal and the House of Lords did not create a new offence or change the basic ingredients of the offence of rape, they were extending an existing offence to include conduct which until then was excluded by the common law. In any event, it was said to have adapted the law to a new kind of conduct but rather to a change of social attitudes.

To extend the criminal law, solely on such a basis, to conduct which was previously lawful was precisely what article 7 was designed to prevent.

Moreover, the applicants stressed, it was impossible to specify with precision when the change in question had occurred. In September 1990 and November 1989, change by judicial interpretation was not foreseen by the Law Commission, which considered

immunity was withdrawn and never voted upon.

In its report, which was not presented until 1984, the Criminal Law Revision Committee recommended that the immunity should be maintained and that a new exception should be created.

In 1988, when considering certain amendments to the 1976 Act, Parliament had the opportunity to take out the word "unlawful" in section 1(1)(a) or to introduce a new provision on marital intercourse, but took no action in that respect.

On September 17, 1990 the Law Commission provisionally recommended that the immunity rule be abolished. However, the debate was pre-empted by the Court of Appeal's and the House of Lords' rulings in the case of *R v R*.

In the applicants' submissions, those rulings altered the law retrospectively, which would not have been the case had the Law Commission's proposal been implemented by Parliament. Consequently, they concluded, when Parliament in 1994 removed the word "unlawful" from section 1 of the 1976 Act, it did not merely repeal the law as it had been in 1976.

The applicants further argued that in examining their complaint under Article 7.1 of the Convention, the Court should not consider their conduct in relation to any of the exceptions to the immunity rule.

In the case of S W it was argued that the immunity rule was never attempted rape or based on the statutory offence of rape in section 1 of the 1956 Act, as further defined in section 1(1) of the 1976 Act.

The applicants did not dispute that the conduct for which they were convicted would have constituted rape, in the case of S W, and attempted rape, in the case of C R, within the meaning of the statutory definition of rape as applicable at the time, had the victims not been their wives.

Their complaint under article 7 was that the House of Lords' decision in *R v R* which declared that the immunity no longer existed; and, in the case of C R, his complaint under article 7 related solely to the fact that he could not avail himself of the marital immunity under common law because, so he submitted, it had been retrospectively abolished.

It was to be observed that a crucial issue in the judgment of the Court of Appeal in *R v R* related to the definition of rape in section 1(1)(a) of the 1976 Act: "unlawful sexual intercourse with a woman"

At the time of the intercourse does not consent to it". The question was whether removal of the marital immunity would conflict with the statutory definition of rape, in particular whether it would be prevented by the word "unlawful".

The Court of Appeal carefully examined various strands of interpretation of the provision in the case law, including the argument that the term "unlawful" excluded intercourse within marriage from the definition of rape.

In that connection, the Court recalled that it was in the first place

that a parliamentary enactment would be necessary.

The Government and the Commission were of the view that by September 1990, and November 1989 respectively there was significant doubt as to the validity of the alleged marital immunity for rape.

This was an area where the law had been subject to progressive development and there were strong indications that still wider interpretation by the courts of the inroads on the immunity was probable.

In particular, given the recognition of women's equality of status with men in marriage and outside it and of their autonomy over their own bodies, the adaptation of the ingredients of the offence of rape was reasonably foreseeable, with appropriate legal advice, to the applicants. They were not convicted of conduct which did not constitute a criminal offence at the time when they were committed.

In addition, in the case of C R, the Government pointed out, on the basis of agreed facts Mr Justice Owen had found that there was an implied agreement between the applicant and his wife to sexual intercourse and to withdrawal of the consent to intercourse. The circumstances in his case were thus covered by the exceptions to the immunity rule already stated by the English courts.

The Court noted that the applicants' convictions for rape and attempted rape were based on the statutory offence of rape in section 1 of the 1956 Act, as further defined in section 1(1) of the 1976 Act.

The applicants did not dispute that the conduct for which they were convicted would have constituted rape, in the case of S W, and attempted rape, in the case of C R, within the meaning of the statutory definition of rape as applicable at the time, had the victims not been their wives.

Their complaint under article 7 was that the House of Lords' decision in *R v R* which declared that the immunity no longer existed; and, in the case of C R, his complaint under article 7 related solely to the fact that he could not avail himself of the marital immunity under common law because, so he submitted, it had been retrospectively abolished.

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One hundred days that shook the oval world

One hundred days ago the International Rugby Football Board (IRFB) took the most significant step in the history of the sport and declared it open. Since then, the oval world of rugby union has not stopped spinning crazily.

The decision finally acknowledged that cherished amateur principles could no longer be sustained. "Unless the game is more effectively and honestly regulated, the combination of disaffection with the elements of current sham and the financial expectations of players and coaches might well lead to an attempted takeover of the game by... interested commercial parties," Vernon Pugh, the chairman of the Welsh Rugby Union, told the IRFB.

Pugh, whose persuasive tongue ushered in the new era, knew the truth of his words. Not that the preceding century of amateurism had been pure in all aspects, but the summer of 1995 saw the writing on the wall in capital letters.

It is 100 days since rugby union was declared an open game. Much has happened since and the future is still uncertain. In the first of a three-part series, David Hands, rugby correspondent, reviews the background to the revolution and looks at the direction rugby may move in the future, and Christopher Irvine meets the men who initiated the changes in Newcastle that left the rest of English rugby hurrying to catch up.

The agreement between the three leading southern-hemisphere unions — South Africa, New Zealand and Australia — and Rupert Murdoch's News Corporation, worth £360 million over ten years, offered rugby union in those countries the chance to pay their players a competitive rate. The emergence of a rival competition, sponsored by another media magazine, Kerry Packer, provided those players with a powerful negotiating tool.

The IRFB, notionally in control of the world game but so frequently trailing behind piecemeal developments, was left with Hobson's choice. Either it could accept responsibility for running the game or

someone else would do it, having off international and provincial tournaments and leaving the rest of the game to the traditional administrators. That may yet happen. Rugby union, from being a player's game, has become part of the entertainment industry, to be bought and sold by those who dabble in the sporting marketplace. Above all, like any other professional game, it has become a weapon in the television ratings war, and it needs the cash that only television can inject.

For now, the administrators in Britain hope they can retain control. All four home unions are negotiating contracts with their international squads and

plans are in train to restructure the season and enhance a European club dimension which will introduce new money, while on January 14 the Rugby Football Union will hold a special meeting.

There is, though, a deep-seated belief among leading clubs that a parting of the ways is inevitable — that one body should govern the professional game and another the amateur version that will continue to be played by 95 per cent of the population.

The governing bodies hold the only purse strings available. As the clubs become stronger, as entrepreneurs emerge willing to stake them, that will change but, as yet, neither side wishes to break with the other. Hence the plethora of meetings and the exchange of agendas between those whose remit, on behalf of an individual player or club, is narrow, and those who are trying to fill in the detail of a broader game.

DAVID HANDS

Newcastle in touch with game's open era

On the day rugby union got honest about money, Derek Balfour got on the telephone to David Campbell, a like-minded fellow Scot. Within 48 hours their vision at St James' Park. By day five of a brave new world, they had secured a deal turning the amateur backwater of Newcastle Gosforth into a professional tributary of Newcastle United Football Club.

What Sir John Hall, the North East's own Citizen Kane, saw in Balfour and Campbell were the "go-ahead people" he had not instantly associated with rugby union. "There were preconceptions about the game on his part we were able to put aside," Balfour said of the Newcastle United chairman. "With amateurism gone, he could see it as something worthy of development."

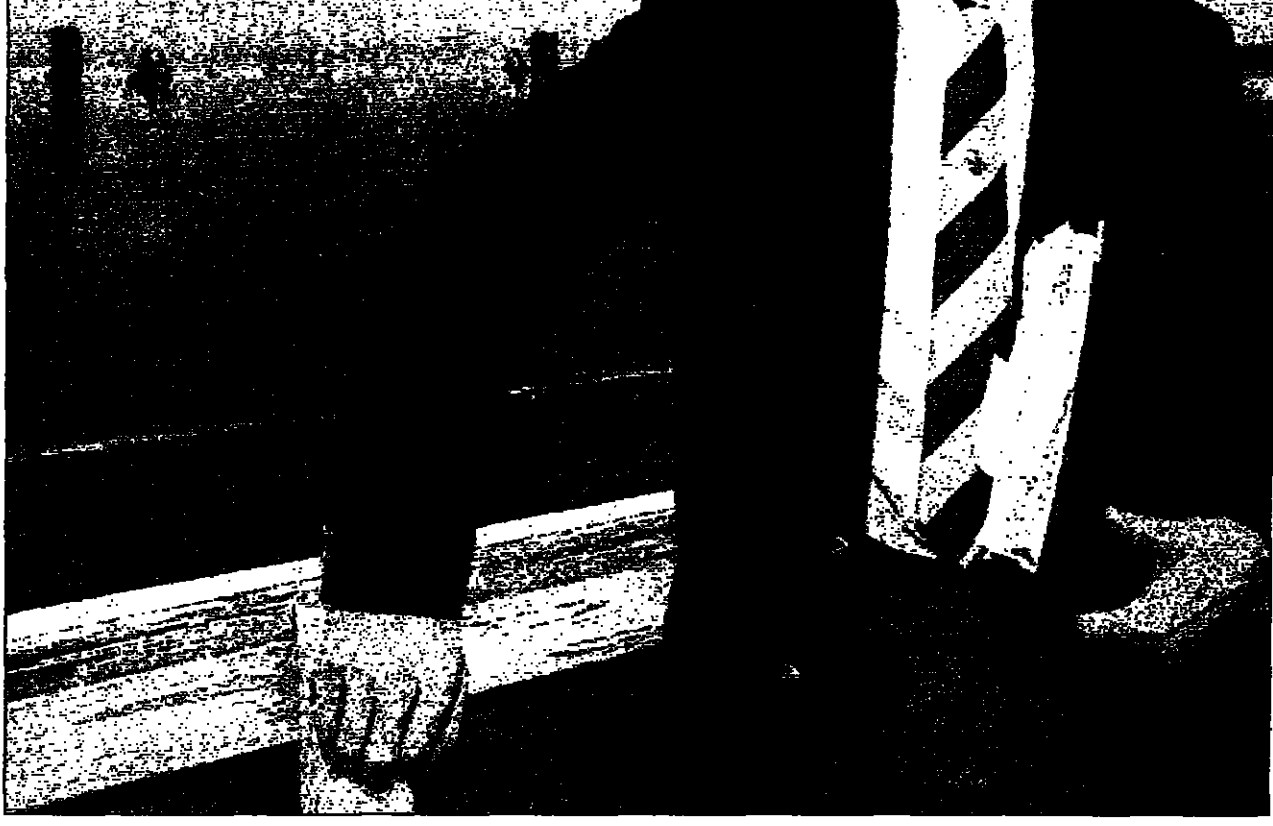
Looking back and across from the clubhouse to the Kingston Park pitch, where Rob Andrew was practising his goalkeeping and Nick Poppewell and Dean Ryan were limbering up, Balfour pinched himself.

"A few months ago, if you'd said Rob Andrew would be playing for us and we'd have Transvaal here on a Tuesday night, with 3,500 people,

I'd have laughed," he said. That they were because of two men's grasping of the nettle as much as the depth of Sir John's pockets. Balfour, 49, an architect already busy designing a 20,000-seat stadium for Kingston Park, and Campbell, 63, a once-frustrated visionary, who figured alongside Jack Rowell, the England manager, in the Gosforth side of the Sixties, brought a new strain of thinking to the former Newcastle Gosforth board of management when elected in July.

Their audit of a second-division feeder club, economically constrained and enfeebled as a playing force, produced some harsh realities. "The question we faced up to was, what does it take to fulfil our ambitions?" Balfour said. "The Paris announcement fitted in perfectly with our thought processes. If the International [Rugby Football] Board had decided to stay amateur, then I don't know what would have happened."

Timing is crucial to any venture and the luck was in having a growing sporting conglomerate close at hand. It was a marriage of considerable convenience. In August, rugby league was poised to come under Sir John's umbrella organisation of Newcastle United Sporting Club — 1997



Balfour, whose vision of the future is guiding Newcastle's rugby club away from its amateur past

is now favoured for that extension — but the advent of a professional union game was a moment too good not to seize.

A whirlwind deal, with St James' Park owning 74 per cent of shares in the new Newcastle Rugby Football Club and Newcastle Gosforth the rest, was concluded in eight days. The message that went around the rugby union world was clear: money talks. After 100 years of hypocrisy on that score, the turmoil of the first 100 days of professional-

ism, with players' loyalties to clubs strained and recruiting agents in full cry, was, in many ways, inevitable.

"There was the immediate moratorium on club professionalism, but still we did not appreciate the pace at which other clubs and the Rugby Football Union were going to work," Balfour said. "David and I said in the first week that we'd perhaps written ourselves a note in rugby's history. By the middle of September, we'd guaranteed a chapter, which wasn't our

intention as our actions were based on the interests of this club and rugby in the local area."

"To those people who say bought-in players don't bring in success and won't play for you on a mucky Wednesday, I'd just say 'what the hell have Bath and Harlequins been doing for the last umpteen decades?'"

In the damp and mist last Saturday, Kingston Park had a mere few hundred souls for the anachronism of today: the friendly fixture, Rotherham

bent to Andrew's boot. It will probably not be long before Newcastle's highly-paid director of rugby has his new team-mates out of shirts sponsored by Manor Craft Tableware, Greggs the Bakers and the Shahe Tandoori Restaurant.

CHRIS IRVINE

TOMORROW
Opposing the changes

Students set to light up Twickenham

By David Hands

FOR all the changes that have taken place in rugby union this season, the University match retains its ability to attract attention: when Oxford and Cambridge play at Twickenham next Tuesday they will do so before a world-record crowd for a club match in the first floodlit game to be played at the Rugby Football Union (RFU) headquarters.

Oxford's selection, announced yesterday, includes the first Frenchman to appear in the 124-year history of the fixture and the match sponsor, the Bowring Group Ltd, confirmed its faith in the future by announcing an increase from £100,000 to £175,000 in its annual support.

Such marks of approbation at a time when the student administrators are fighting to sustain the profile of university rugby make the experi-

ence of both teams yesterday frustrating in the extreme. When they visited Twickenham they were told they would not be occupying the main changing-rooms because of the international between England and Western Samoa four days later. Happily, that has now been remedied.

TWICKENHAM TEAMS

OXFORD UNIVERSITY: P du Preez (Oxford College, Cape Town and Kable), S Rush (Farrow and Mansfield), C de Bruyn (Oxford College, Cape Town and Kable), J Riondet (Licks La Kanel, Paris and Mansfield), "T" Howe (Glasgow Academy and Kable, captain), D Humphreys (Ballymena Academy and Kable), K Stoddart (Carnegie Secondary, Salefield and Templeton), D Finney (St John's, Newfoundland and Wolfson), M Bailey (St George's, Bay and St Anne's), N Bassett (Oxford College, Cape Town and Kable), "P" Cooney (Chingwood Wood College, Kildare and New College), M Ooster (King's, Canterbury and Christ Church), "R" Yeabley (Haberghavey, Kildare and Kable).

CAMBRIDGE UNIVERSITY: M Singer (Wycliffe College and Hornorton), D Casado (Anglophone College and St Edmund's), T Whitford (The Leys and Hornorton), S Coulter (Christ's College, Christchurch and St Edmund's), N Waine (Carlisle College and St Edmund's), R Ashforth (Barnard's and Peterhouse), D Malet (Randomeau College and St Edmund's), M Mooney (St Boniface's College, Plymouth and Hughes Hall), J Evans (Emmanuel GS, Swanton and Hornorton), N Holgate (Amherst College and Robinson), M Hyde (St Ignace College, Sydney and St Edmund's), "R" Barmby (OCS, Wakefield and St Edmund's), O Simpson (Hills Road Sixth Form College, Cambridge and Hornorton), R Eamshaw (York and St John's), S Surridge (St Kentigern College, Auckland and Wolfson).

A fixture which, 30 years ago, drew less than 20,000 is now assured of a 70,000 gate which is likely to stand as a record until the Pilkington Cup final in May, when Twickenham expects its 75,000 capacity to be filled. The match receipts of around £1 million will be split three

ways between the two universities and the RFU — all the more reason for the union to support the fixture. Jérôme Riondet, a graduate in journalism from the Sorbonne, welcomed his place in history modestly. "It is nice to be the first Frenchman to play in this special fixture but I desperately want to be the first Frenchman to play in a winning side," he said. Riondet is part of a powerful Oxford midfield though Cambridge holders of the Bowering Bowl, will take the field as favourites after their recent success against the Western Samoans.

They will field four undergraduates, compared to Oxford's two, including Robert Ashforth, 19, who comes from a notable rugby nursery in Bradford Grammar School and plays in the same position — stand-off half — as another freshman luminary 13 years ago, Rob Andrew.

Samoans offer chance for Stimpson to shine

WESTERN Samoa's odyssey takes them tonight to Huddersfield, where rugby league was born (David Hands writes). Given the raids made on their resources last year by the 13-a-side code, the Samoans will be properly wary, but they will also look to what is effectively their second XV to lift the tour against the Northern Division after a heavy defeat by the Midlands over the weekend.

England's team for the international with Western Samoa will not be announced until tomorrow, though the North, who have brought in Gavin Baldwin at loose-head prop and Richard Arnold at flanker after injuries to Martin Hyman and Dave Baldwin, offer five candidates for the senior team. Tim Stimpson is a dark horse at full back, though good displays by such

as Naylor, Healey and Fowler at the award-winning Alfred McAlpine Stadium will do them no harm.

Two semi-finalists in the inaugural Heineken Cup will be decided this week when Swansea play Castres at St Helen's tonight, and Leicester entertain Pontypriod tomorrow. Swansea await fitness tests on Stuart Davies and Alan Harris, knowing that they must win by six points if they are to qualify; success by any margin will satisfy the French club.

NORTHERN DIVISION: T Stimpson (West Harrogate), J Naylor (Crail), W Greenwood (Harrogate), P Johnson (Crail, captain), J Maitland (Skel), R Lily (Skel), A Healey (Crail), G Bicknell (Wakefield), S Diamond (Skel), M Shalley (West Harrogate), R Arnold (Newcastle), M Greenwood (Warrington), N Ashurst (Skel), C Vyner (Skel).

WESTERN SAMOANS: A Aupuni, T Falea, S Lasega, K Tugima, F Falea, C Burns, M West, B Racy, O Muesu, G Lala, L Tofa, S Lasega, M Betshele, G Lala, S Smith, M Lupu.

Great Italian takeaway

La Mia Italia. Radio 4 FM, 10.00am.

There is a castle in the Umbrian town of Terni where an Italian's American wife entertains with songs by Puccini and Gershwin. It is a Gershwin ballad that sums up the politics-based crisis that grips much of Italy. They Can't Take That Away from Me, tells Jas Fajalec. What they could not take away from her is her voice. Someone did try, though. A racist almost killed her, breaking her diaphragm. What the local council are trying to take away from her — and the arts in general — is Terni's cultural patronage. Since political control of the town hall passed from left to right, pleas for arts sponsorship have fallen on deaf ears. In a way, says Jan Prajese, Italy is up for sale.

John Hammond. Radio 2, 9.00pm.

The blues singer John Paul Hammond is proud of his father. And with good reason. He was a star-maker, record producer, critic and tireless campaigner for blacks on the jazz scene to be given the same respect and chances previously enjoyed only by whites. Hammond's presents this two-part series about his celebrated parent. Part one is studied with the names of jazz greats. As talent spotter, Hammond persuaded Benny Goodman to make room for six blacks in his all-white band. He gave the vibraphonist Lionel Hampton and the piano player Teddy Wilson their big breaks. He introduced Billie Holiday to Count Basie. More of his discoveries, including Bob Dylan and Bruce Springsteen, are recalled in part two. Peter Daville

RADIO 1	WORLD SERVICE
FM Stereo, 4.00am. Dave Warren 6.30. Chris Evans 6.00. Simon Mayo 12.00. Lisa Fyfe 2.00. Nick Campbell 4.00. Mark Goodier 7.00. Evening Session 9.00. Cing FM 10.00. Mark Radcliffe 12.00. Wendy Lloyd.	All times in GMT. 5.00am. News 5.30. Europe Today 6.00. News 6.30. Europe Today 7.00. News 7.15. Off the Shelf 7.30. News 7.45. News 8.00. News 8.15. News 8.30. News 8.45. News 9.00. News 9.15. News 9.30. News 9.45. News 10.00. News 10.15. News 10.30. News 10.45. News 11.00. News 11.15. News 11.30. News 11.45. News 12.00. News 12.15. News 12.30. News 12.45. News 1.00. News 1.15. News 1.30. News 1.45. News 2.00. News 2.15. News 2.30. News 2.45. News 3.00. News 3.15. News 3.30. News 3.45. News 4.00. News 4.15. News 4.30. News 4.45. News 5.00. News 5.15. News 5.30. News 5.45. News 6.00. News 6.15. News 6.30. News 6.45. News 7.00. News 7.15. News 7.30. News 7.45. News 8.00. News 8.15. News 8.30. News 8.45. News 9.00. News 9.15. News 9.30. News 9.45. News 10.00. News 10.15. News 10.30. 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A funny thing happened to Clive, again

Christmas approaches and with it a ritual that dates back to the first *Crackerjack* — the annual inquisition by a posse of elderly relatives, all consumed by the burning question: "What do you want to be when you grow up?"

Each year I mumble the same protest in reply. Really quite grown up now... pinnacle of journalistic career... television critic of choice... They look at me quizzically — wrong answer. I capitulate: "OK, aunties, it's still Clive James. I want to be Clive James when I grow up."

Look, I'm sorry, but Clive James seems like a good idea 20 years ago and if it keeps them happy who am I to spoil the seasonal script. Even now, dressed in a tuxedo that had an idea, OK, so the pen of an alliterating angel comes with the looks of a billboard but think of the perks — your own television show, the odd bit of finely honed and richly rewarded prose, lunches with the Princess of Wales and the occasional invitation to make globe-trotting one-offs such as last night's *Clive James in Buenos Aires* (ITV). There are definitely worse lives.

And there are probably worse documentaries — many, but certainly a few. This one was rescued by the fact that, despite giving the distinct impression he gave up trying years ago, James still turns a comic phrase like "well, like an entire generation of post-Jamesists would like to."

"I was ready for a shower and a complete change of personality," said the great Australian, arriving in his hotel after laboriously staging the first of many "improvised" comic events, an allegedly nightmare drive from the airport. It set the pattern. Taxi drivers, tango teachers, polo ponies, even President Menem —

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wittingly or not; they were all intended to further the comic cause. My disbelief had never been so suspended.

Robert Elms is the self-appointed king of ravelloes to the Spanish-speaking world and it was from his efforts that my scant knowledge of the Argentinian capital was gleaned. I knew it had an interesting cemetery, a restaurant that thinks half a cow is a light lunch and that it was home to the tango. Well, blow me if James hadn't seen the same documentaries. In two shakes of a polo stick, he had paid his respects to Eva Peron, chomped at La Chacra and enrolled for a course of tango lessons — the laboriously staged class, of course.

In a past life, or certainly a much earlier part of this one, James must have written a serious piece about Argentina, because every now and

REVIEW



Matthew Bond

then he would unexpectedly drop words such as "terror", "torture" and "oppression" into his generally light-hearted script. It was an unhappy mix. Either you meet the families of "the disappeared" or you sit on Steady Eddie, the polo pony from comic hell. You cannot do both.

James was at his best doing what he does best — being funny. He was particularly taken with the

refreshments at a rodeo — an enormous gaucho barbecue "presumably invented when they accidentally set fire to a cow while it was still moving" washed down with maté. "It's said to be delicious, if you can stand the taste."

As I say, there are probably worse documentaries, such as *The Queen Phenomenon* (Channel 4). Now, I have never been a Queen fan. *Bohemian Rhapsody* sends me rushing for a darkened room, while Brian May's lead guitar does for me what dentist drills do for others. But that was not my objection here. Nor can I say that it was not technically well made — it was. My objection was that this film was co-produced by Jim Beach, Queen's manager, making it rock music's equivalent of the corporate video.

This was the sanitised, war-free story of Freddie and the screamers. In one hour only four words of dissent were voiced. They

came courtesy of Ian Hunter, the man who long ago put the Hoople in Mont. He accused Queen of "appalling lapses of taste". That pretty much said it for me.

Hunter was lucky to get four words. Rapid-fire editing reduced many of the group's peers to one word tributes: "majestic", "extravagant", "god-like" and other such nonsense culled from the lexicon of pomp-rock-speak. But then, with names like Slash, what do you expect?

As in *The Beatles Anthology*, one of the more enjoyable diversions was working out the chronological order in which the interviews were shot. For Roger Taylor, it was comparatively easy — he aged about 25 years in five interviews. But no amount of time or interviews made any impression on Brian May, who looked the same now as he did 25 years ago, when he played with

Queen's forerunner. Smile. Someone, locked in an attic is a very old man, with long, curly, grey hair cut in the style of a King Charles spaniel; answers to the name of Dorian May.

A far better example of the documentary genre preceded Queen, in the shape of Paul Watson's on-going industrial saga, *The Factory* (Channel 4). As a sustained assault on middle-class, white-collar sensibilities, it was first class. The world of Robinson Willey, the gas fire manufacturer, is noisy, dirty and apparently unhealthy. "Everyone in the factory's got something," complained one of the largely female workforce — white finger, tennis elbow, bad shoulders, arthritis — you name it and the repeated use of a pop rivet gun apparently gives you it. How very different it all is from Channel 4, where the repeated use of a Lightworks edit machine normally gives you... a new commission.

- BBC1**
- 6.00am Business Breakfast (62105)
 - 7.00am BBC Breakfast News (47121143)
 - 9.10am *Kilroy* (s) (3140263)
 - 10.00am News (Ceefax), regional news and weather (2760899) 10.05am *Can't Cook, Won't Cook* for the culinarily challenged (s) (3783330)
 - 10.30am *Good Morning with Anne and Nick* (s) (71785)
 - 12.00pm News (Ceefax), regional news and weather (8841921) 12.05pm *Pebble Mill*. Sarah Green is joined by Patrick Swayze (s) (5027853) 12.50pm Regional News and weather (Ceefax) (6494368)
 - 1.00pm *One O'Clock News* (Ceefax) and weather (41563)
 - 1.30pm *Neighbours* (Ceefax) (s) (9486747) 1.50pm *Columbo: A Deadly State of Mind* starring Peter Falk (i) (Ceefax) (6340853) 3.05pm *Timekeepers* (6073478)
 - 3.30pm *The New Yogi Berra Show* (i) (6219389) 3.35pm *Favourite Songs* (i) (1816821) 4.00pm *Eek the Cat* (i) (9855414) 4.30pm *Ant and Dec's Saturday Night Takeaway* (i) (145211)
 - 5.00pm *Newsround* (Ceefax) (3816018)
 - 5.10pm *The Bz*. A return of the drama series about drama students (Ceefax) (s) (8274747)
 - 5.30pm *Neighbours* (i) (Ceefax) (s) (954969)
 - 6.00pm *Six O'Clock News* (Ceefax) and weather (308)
 - 6.30pm Regional News Magazines (300)

- BBC2**
- 6.00am Technology Season
 - 7.00am *Breakfast News* (Signed) (9362056)
 - 7.15pm *Lassie* (2064872) 7.40pm *Swat Kats* (i) (7086414) 8.05pm *Blue Peter* (i) (2354389)
 - 8.35pm *The Record* (s) (7787495) 9.00pm *The Battle of Britain* (i) (3564476) 9.50pm *True Life* (i) (3343308) 10.00pm *Playdays* (i) (4133871)
 - 10.25pm *Film: The Plank* (1967, b/w). A classic, silent comedy starring Tommy Cooper, directed by Eric Sykes (8866394)
 - 11.10pm *The Fugitive* (b/w) (i). (Ceefax) (8845679) 12.00pm *See Hear!* (i). (Signing) (s) (77853) 12.30pm *Working Lunch* (14209)
 - 1.00pm *The Family Mess* (i) (2638353) 1.05pm *Christopher Crocodile* (i) (2638234) 1.10pm *Spot* (i) (26389747)
 - 1.15pm *Movie Magic* (i) (4477967) 1.40pm *Glynn Christian's Microwave* (i) (1575921) 1.55pm *A Helping Hand* (1574934) 2.10pm *A Century of Warfare* (980636)
 - 3.00pm News weather, Westminster with Nick Ross (Ceefax) (s) (2021037) 3.55pm News (Ceefax) and weather (8853679)
 - 4.00pm *Today's Day* (s) (501) 4.30pm *Ready, Steady, Cook* (s) (785) 5.00pm *Easters Interviews Adam Faith* (s) (9993) 5.30pm *Going Going* (s) (227)
 - 6.00pm *Fresh Prince of Bel Air* (i) (s) (478105)
 - 6.25pm *Heartbreak High*. (Ceefax) (s) (830872)

- CHOICE**
- 6.00am GMTV (8802922)
 - 9.25pm *Supermarket Sweep* (s) (8887292) 9.55pm *London Today* (Teletext) (1783150)
 - 10.00pm *The Time... The Place* (s) (2763258)
 - 10.35pm *This Morning* (2879785) 12.20pm *London Today* (Teletext) (8847105)
 - 12.30pm *ITN News* and weather (Teletext) (2805143)
 - 12.55pm *Home and Away* (Teletext) (280834) 1.25pm *Emmerdale* (i) (Teletext) (4478698) 1.55pm *A Country Practice* (s) (9640720) 2.20pm *Vanessa: Treated like a Slave* (Teletext) (s) (1835521) 2.50pm *Capital Woman* (s) (5833766)
 - 3.20pm *ITN News* headlines (Teletext) (8311853)
 - 3.25pm *London Today* (Teletext) (8310124)
 - 3.50pm *Gigglish Allsorts* (s) 3.40pm *Tots TV* (6217921) (s) 3.50pm *Hot Rod Dogs* (3050056) (s) 4.05pm *The Twisted Tales of Felix the Cat* (8451582) 4.15pm *The Sylvester and Tweety Mysteries* (1198921) 4.40pm *Art Attack Christmas Cracker* (i). (Teletext) (s) (75921)
 - 5.10pm *After 5* with Carol Keating and Erasure (Teletext) (728124)
 - 5.40pm *ITN News* and weather (Teletext) (204501)
 - 5.55pm *Your Show* (11821)
 - 6.00pm *Home and Away* (i). (Teletext) (476)
 - 6.30pm *London Tonight*. (Teletext) (376)
 - 7.00pm *Emmerdale*. (Teletext) (7853)
 - 7.30pm *The Tuesday Special: Life and Death*. Camera crews spend 24 hours on call with the London Ambulance Service in what has been their busiest year (s) (940)
 - 8.00pm *The Bill*. An ageing con man staggers into St Hugh's with a gunshot wound. (Teletext) (6501)
 - 8.30pm *The Cook Report*. Roger Cook and his team challenge suspicious characters (2308)
 - 9.00pm *Soldier, Soldier: Baptism of Fire*. Army drama: The King's Own Fusiliers, in South Africa, have to go to a neighbouring country where law and order have broken down. (Teletext) (s) (4476)
 - 10.00pm *ITN News* at Ten (Teletext) (72308)
 - 10.30pm *London Tonight* (Teletext) (789598)

- CARLTON**
- 6.00am GMTV (8802922)
 - 9.25pm *Supermarket Sweep* (s) (8887292) 9.55pm *London Today* (Teletext) (1783150)
 - 10.00pm *The Time... The Place* (s) (2763258)
 - 10.35pm *This Morning* (2879785) 12.20pm *London Today* (Teletext) (8847105)
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 - 12.55pm *Home and Away* (Teletext) (280834) 1.25pm *Emmerdale* (i) (Teletext) (4478698) 1.55pm *A Country Practice* (s) (9640720) 2.20pm *Vanessa: Treated like a Slave* (Teletext) (s) (1835521) 2.50pm *Capital Woman* (s) (5833766)
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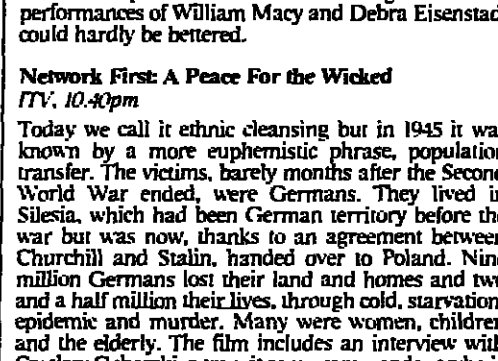
- CHANNEL 4**
- 6.30am *Ulysses* 31. Cartoon series (i) (31698)
 - 7.00pm *The Big Breakfast*. With Leslie Dean (64414)
 - 9.00pm *The Life of Elmo* (1937, b/w) starring Paul Muni, directed by William Dieterle. (6860021)
 - 11.10pm *Jump*. An American teenager goes to the beach (5123263)
 - 11.30pm *Putting Art in Its Place*. Birmingham's attitude to the city's public works of art (i) (4747)
 - 12.00pm *House To House*. Political magazine (62921)
 - 12.30pm *Sesame Street* (48582) 1.30pm *Wiget* (i) (s) (36562143)
 - 1.55pm *Yati*. A young boy contrasts his remote Indian village with a sophisticated city (96481292)
 - 2.15pm *Ladies in Retirement* (1941, b/w). A melodrama, starring Ida Lupino as a housekeeper prepared to let her sisters' sake. Directed by Charles Vidor (75211)
 - 4.00pm *Think Tank*. Team quiz with Mickey Hutton (Teletext) (s) (959) 4.30pm *Fifteen To One*. Knockout quiz with William G. Stewart. (Teletext) (s) (853)



Kirsty Young visits the French Alps (7.00pm)



Lisa Anson, drama out of a crisis (7.10pm)



Debra Eisenstadt and William Macy (C4, 10.00pm)

- 7.00pm *Holiday*. Carol Smilie takes over the show for a week as she visits Milan; Kevin Woodford tries a new charter flight service to Las Vegas, which has substantially reduced the price of holidays there; Kirsty Young goes adventuring in the Alps; and Sue Cook investigates a sophisticated holiday in St Ives (Ceefax) (s) (2785)
- 7.30pm *EastEnders*. (Ceefax) (s) (872)
- 8.00pm *Sportsnight Special*. Desmond Lynam introduces live coverage of Nottingham Forest's UEFA Cup third round, second leg tie against the French side Lyon. With Alan Hansen and Jimmy Hill (s) (7291037)
- NB: If extra time is played, the following programmes will run late
- 9.55pm News (Ceefax), regional news and weather (196105)
- 10.25pm *Film: Whispers in the Dark* (1992) starring Annabella Sciorra and Jamey Sheridan. A Manhattan psychiatrist has nightmares about the tales one of her traumatised patients relates in therapy. However, the doctor then ends up on a passionate affair with the very subject of the stories. Directed by Christopher Crowe (s) (758536)
- WALE: 10.25pm With a Little Help (601650) 10.55pm *The Dragon Writes Back* (470330) 11.05pm *Film: Whispers in the Dark* (469292) 12.40pm 12.55pm *Film: The Night They Raided Minsky's* (753541)
- 12.00pm *Film: The Night They Raided Minsky's* (1968). A comedy set in 1920s New York. Starring Brit Bald, Jason Robard and Norman Wisdom. Directed by William Friedkin (133709)
- 1.35am Weather (2416896)

- 7.10pm *Dear Dilemma*. Crises are discussed by celebrities. Lisa Anson is joined by the disc jockey Steve Wright, Tonicha Jeronimo and Linda Glover (Ceefax) (s) (341209)
- 7.30pm *From the Edge*. Series made by disabled people for disabled people. (Ceefax) (s) (414)
- 8.00pm *The Limit* presented by Robbie Coltrane. A series on how building and construction boundaries have been pushed to new limits (s) (6747)
- 8.30pm *Food and Drink* introduced by Chris Kelly. (Ceefax) (s) (5582)
- 9.00pm *End of Innocence*. (Ceefax) (7150)
- 10.00pm *Steppe and Son: A Star is Born* (i). (Ceefax) (78592)
- 10.30pm *Newsnight* with Peter Snow. Includes the first of John Simpson's four reports from Colombia on the cocaine trade. (Ceefax) (724293)
- 11.15pm *Divided We Stand*. (s) (992969) 11.55pm *Weather* (341501)
- 12.00pm *The Midnight Hour* with Sarah Badier. Political chat show (s) (22457)
- 12.30am-6.00am *The Learning Zone*

- Fine Cut: The End of Innocence**
BBC2, 9.00pm
- Nigel Evans's lively polemic argues that British attitudes towards AIDS have been conditioned by homophobia and moral panic, thus preventing a rational approach to the threat of the disease. It gradually became clear that between 80 and 90 per cent of AIDS victims were gay men, yet official AIDS campaigns were reluctant to admit this. Edwina Currie, a former Health Minister, recalls that some of her male colleagues were terrified of homosexuals. AIDS campaigners claim that their attempts to educate the public about the disease have been attacked for promoting homosexuality. Yet to be effective, they say, campaigns must plug into the gay culture and use the language that gay men speak.
- Divided We Stand**
BBC2, 11.55pm
- A telling report from the United States suggests that 30 years after Martin Luther King's dream, whites and blacks are still far apart. Moreover, some blacks say they prefer it that way. If the price of racial mixing is assimilation into white culture, to make the point, the film visits Indianapolis, demographic centre of the United States and with a typical racial mix. It finds two families, one black and the other white, enjoying similar middle-class living standards but rigidly bound to their own ethnic communities. The broader picture is of few blacks rising to positions of authority and of what gains they do make being deeply resented in white society. Separate and unequal still is an overwhelming black experience. Peter Waymark

- Network First: A Peace for the Wicked**
BBC2, 9.00pm
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- Polish witnesses to German expulsion**
BBC2, 10.40pm
- Network First: A Peace for the Wicked**
BBC2, 9.00pm
- Nigel Evans's lively polemic argues that British attitudes towards AIDS have been conditioned by homophobia and moral panic, thus preventing a rational approach to the threat of the disease. It gradually became clear that between 80 and 90 per cent of AIDS victims were gay men, yet official AIDS campaigns were reluctant to admit this. Edwina Currie, a former Health Minister, recalls that some of her male colleagues were terrified of homosexuals. AIDS campaigners claim that their attempts to educate the public about the disease have been attacked for promoting homosexuality. Yet to be effective, they say, campaigns must plug into the gay culture and use the language that gay men speak.
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- VARIOUS**
- ANGLIA**
- As London except: 9.55am-10.00am *Anglia News* and weather (1783150) 12.20pm *Anglia News* and weather (1783150) 12.55pm *Emmerdale* (280834) 1.25pm 1.55pm *Home and Away* (4478698) 2.20pm 2.50pm *Neighbours* (9486747) 3.20pm 3.50pm *Anglia News* and weather (1783150) 4.10pm 4.40pm *Shortland Street* (276129) 4.50pm 5.20pm *Anglia News* and weather (1783150) 5.30pm 6.00pm *Home and Away* (4478698) 6.30pm 7.00pm *Neighbours* (9486747) 7.30pm 8.00pm *Anglia News* and weather (1783150) 8.10pm 8.40pm *Shortland Street* (276129) 8.50pm 9.20pm *Anglia News* and weather (1783150) 9.30pm 10.00pm *Home and Away* (4478698) 10.30pm 11.00pm *Neighbours* (9486747) 11.30pm 12.00pm *Anglia News* and weather (1783150) 12.10pm 12.40pm *Shortland Street* (276129) 12.50pm 1.20pm *Anglia News* and weather (1783150) 1.30pm 2.00pm *Home and Away* (4478698) 2.30pm 3.00pm *Neighbours* (9486747) 3.30pm 4.00pm *Anglia News* and weather (1783150) 4.10pm 4.40pm *Shortland Street* (276129) 4.50pm 5.20pm *Anglia News* and weather (1783150) 5.30pm 6.00pm *Home and Away* (4478698) 6.30pm 7.00pm *Neighbours* (9486747) 7.30pm 8.00pm *Anglia News* and weather (1783150) 8.10pm 8.40pm *Shortland Street* (276129) 8.50pm 9.20pm *Anglia News* and weather (1783150) 9.30pm 10.00pm *Home and Away* (4478698) 10.30pm 11.00pm *Neighbours* (9486747) 11.30pm 12.00pm *Anglia News* and weather (1783150) 12.10pm 12.40pm *Shortland Street* (276129) 12.50pm 1.20pm *Anglia News* and weather (1783150) 1.30pm 2.00pm *Home and Away* (4478698) 2.30pm 3.00pm *Neighbours* (9486747) 3.30pm 4.00pm *Anglia News* and weather (1783150) 4.10pm 4.40pm *Shortland Street* (276129) 4.50pm 5.20pm *Anglia News* and weather (1783150) 5.30pm 6.00pm *Home and Away* (4478698) 6.30pm 7.00pm *Neighbours* (9486747) 7.30pm 8.00pm *Anglia News* and weather (1783150) 8.10pm 8.40pm *Shortland Street* (276129) 8.50pm 9.20pm *Anglia News* and weather (1783150) 9.30pm 10.00pm *Home and Away* (4478698) 10.30pm 11.00pm *Neighbours* (9486747) 11.30pm 12.00pm *Anglia News* and weather (1783150) 12.10pm 12.40pm *Shortland Street* (276129) 12.50pm 1.20pm *Anglia News* and weather (1783150) 1.30pm 2.00pm *Home and Away* (4478698) 2.30pm 3.00pm *Neighbours* (9486747) 3.30pm 4.00pm *Anglia News* and weather (1783150) 4.10pm 4.40pm *Shortland Street* (276129) 4.50pm 5.20pm *Anglia News* and weather (1783150) 5.30pm 6.00pm *Home and Away* (4478698) 6.30pm 7.00pm *Neighbours* (9486747) 7.30pm 8.00pm *Anglia News* and weather (1783150) 8.10pm 8.40pm *Shortland Street* (276129) 8.50pm 9.20pm *Anglia News* and weather (1783150) 9.30pm 10.00pm *Home and Away* (4478698) 10.30pm 11.00pm *Neighbours* (9486747) 11.30pm 12.00pm *Anglia News* and weather (1783150) 12.10pm 12.40pm *Shortland Street* (276129) 12.50pm 1.20pm *Anglia News* and weather (1783150) 1.30pm 2.00pm *Home and Away* (4478698) 2.30pm 3.00pm *Neighbours* (9486747) 3.30pm 4.00pm *Anglia News* and weather (1783150) 4.10pm 4.40pm *Shortland Street* (276129) 4.50pm 5.20pm *Anglia News* and weather (1783150) 5.30pm 6.00pm *Home and Away* (4478698) 6.30pm 7.00pm *Neighbours* (9486747) 7.30pm 8.00pm *Anglia News* and weather (1783150) 8.10pm 8.40pm *Shortland Street* (276129) 8.50pm 9.20pm *Anglia News* and weather (1783150) 9.30pm 10.00pm *Home and Away* (4478698) 10.30pm 11.00pm *Neighbours* (9486747) 11.30pm 12.00pm *Anglia News* and weather (1783150) 12.10pm 12.40pm *Shortland Street* (276129) 12.50pm 1.20pm *Anglia News* and weather (1783150) 1.30pm 2.00pm *Home and Away* (4478698) 2.30pm 3.00pm *Neighbours* (9486747) 3.30pm 4.00pm *Anglia News* and weather (1783150) 4.10pm 4.40pm *Shortland Street* (276129) 4.50pm 5.20pm *Anglia News* and weather (1783150) 5.30pm 6.00pm *Home and Away* (4478698) 6.30pm 7.00pm *Neighbours* (9486747) 7.30pm 8.00pm *Anglia News* and weather (1783150) 8.10pm 8.40pm *Shortland Street* (276129) 8.50pm 9.20pm *Anglia News* and weather (1783150) 9.30pm 10.00pm *Home and Away* (4478698) 10.30pm 11.00pm *Neighbours* (9486747) 11.30pm 12.00pm *Anglia News* and weather (1783150) 12.10pm 12.40pm *Shortland Street* (276129) 12.50pm 1.20pm *Anglia News* and weather (1783150) 1.30pm 2.00pm *Home and Away* (4478698) 2.30pm 3.00pm *Neighbours* (9486747) 3.30pm 4.00pm *Anglia News* and weather (1783

FOOTBALL 44

FOREST MAKE
CAUTIOUS APPROACH
INTO LYONS LAIR

SPORT

TUESDAY DECEMBER 5 1995

RUGBY UNION 46
HOW PROFESSIONAL
SWITCH OPENED
DOORS FOR NEWCASTLE

Captain's heroic vigil secures unlikely draw in second Test against South Africa

England revel in Atherton's finest hour

FROM ALAN LEE, CRICKET CORRESPONDENT, IN JOHANNESBURG

JOHANNESBURG (final day of five): England drew with South Africa

IT HAS long been a source of infuriation to Michael Atherton that England cricket teams have lost the art of saving Test matches. Yesterday, he offered the ultimate tutorial, scoring overwhelming odds by denying South Africa victory in the second Test with an innings that will rank among the most heroic in the history of the game.

Atherton batted 15 minutes short of 11 hours and repelled 492 balls in making 185 not out, the biggest and the best of his nine Test centuries. It was an awesome innings, a monument to technique and tenacity, and he will be remembered rightly for it for the rest of his days. More immediately, and to him more importantly, Atherton's achievement was to prevent the needless and damaging donation of a series lead.

It must not be forgotten that, for more than half of this match, England played limp and ill-conceived cricket. All concerned admit as much. They were heading inexorably for defeat, and the grim familiarity of an overseas series running away from them, until Atherton practised what he has been preaching since he became captain, 28 months ago. "Just because you have played badly doesn't mean you should accept defeat," he said last night. Never has a man demonstrated a point more comprehensively.

The South Africans were understandably distraught. After dictating the game for four days, they took only one wicket on a full final day. That single success was claimed 45 minutes before lunch, when Robin Smith fell to Allan Donald, but Atherton then

found a partner whose heart and mind he had not needed to convert.

Jack Russell stayed for the remainder of a remarkable day, and one had the distinct impression that there would have been no answering for the consequences if he had failed. Manic in his determination, Russell faced 235 balls and scored from only 14 of them. The remaining 221 were either blocked, with utter disregard for artistic merit, or left, with a combination of peering eyes and flourished bat reminiscent of a butterfly-catcher out after dark.

Their stand of 119 spanned lunch, tea, two drinks breaks,

John Woodcock 1
Leading article 19
Pakistan triumph 43

a third new ball and innumerable mid-pitch conferences, during which these committed competitors, starkly contrasting individuals yet soul mates in sport, used every verbal method available to keep each other going. Seven minutes from the scheduled close, Hansie Cronje, the South African captain, conceded that they never would be divided, and led everyone off.

Quite what effect this unexpected outcome will have on the series remains to be seen. Certainly, it is South Africa who now have to pick themselves up. Their support will also be tested: 92,000 attended the Wanderers, and there was a notable last-day crowd of 14,300. Most, however, had come to acclaim a swift kill, and when Atherton declined to permit it, many drifted away.

On another sun-blessed day, speculation about the degree of deterioration in the pitch dominated breakfast

time chatter. Nobody has read this pitch accurately — not Atherton and Raymond Illingworth, the England manager, who erroneously put South Africa in, and not Cronje or his coach, Bob Woolmer, who were convinced that the bounce would betray England on the last day. Scarcely a ball seriously misbehaved.

Cronje unleashed Donald immediately, and he was unfortunate not to claim Smith in his second over. Everyone in the ground must have heard a nick as Smith drove loosely, but as the South Africans celebrated, Darrell Hair, the umpire, remained unmoved. It may just have been the critical moment of the day.

Atherton gave his one chance when on 99. It is tempting to say that he usually does. Twice, at Lord's in 1993 and at Headingley a year later, he has been out one short of a century, and this time, having composed himself, he turned a lifting ball from Donald off the meat of the bat to short leg, where Kirsten grabbed and spilled it. Next ball, he reached 100 in precisely the way he had reached 50 and would later reach 150, pulling safely and emphatically for four.

Smith had played his part, but he fell in a way for which he is increasingly a candidate. He has employed the uppercut against the quick bowlers successfully on tour, but it is a high-risk shot, and now, as he offered it against Donald, the ball looped obligingly to Pollock at third man.

England now wobbled. With lunch, the day's first haven, fast approaching, Russell, on five, was squared up by Pringle, and a straightforward return catch was dropped. Then Pringle struck Atherton on the jaw, halting play for treatment to player and helmet. Not one South African approached to check on his condition; by now, any who had doubted it knew for sure that the destiny of the game lay with this one, uncommonly dedicated, man.

The afternoon session contained 35 overs and only 55 runs, of which Russell scored eight from 104 balls. It was Test cricket of gripping intensity, despite the slowhandclapping of the ignorant few, and for half an hour, Atherton had to hang on grimly as he flirted among the five close catchers set by Eksteen and survived a leg-before shout against a ball from Pringle that kept low.

Into the evening, and Cronje recalled McMillan to snarl, spit and stamp, this time without his triumphs of Sunday. On 22, Russell did get the finest of leg-side touches against McMillan, but Richardson, diving, could only parry it with his right glove. It is doubtful if one wicket-keeper spared any sympathy for another. By the end, Russell was on course for a century in 17 hours, and Atherton was 15 short of the first 200 of his career. Neither felt deprived. Elation, relief and, soon, utter exhaustion, were the churning emotions of the evening.



Atherton, left, and Russell adopt squatters' rights as they meet for a mid-pitch conference yesterday. Photograph: Graham Morris

Fighting spirit prevails

MICHAEL ATHERTON can be a perverse character and occasionally he has presented his darkest moods in times of personal achievement (Alan Lee writes). Not last night. Indeed, in the finest hour of what may soon have to be called a great career, he did not even appear tired. "I feel pretty fresh," he said astonishingly, and explained why.

Atherton's perky mood was not simply a reflection of his own considerable triumph, described by his manager, Raymond Illingworth, as "one of the great innings of all time". It was more in recognition of a result that takes his

England team closer to where he believes they should be.

"Until recently, we would have lost that game," he said. "We had played poorly for four days and we have got to sharpen up our act, but we showed we now have some fighting qualities. When I took over we were accepting defeat too easily. Sometimes, when you can't win, you must hang on for draws."

As so often when England show some backbone, this utterly improbable draw was down to him. Or, at least, to Atherton and the weary wretch slumped a few feet away from him, Jack Russell

looked as if it was he who had batted for 11 hours, or maybe 11 days, but he managed to tell of his own, personal motivation. It dates back to the Bridgetown Test against West Indies, five years ago, lost on the final evening when Russell's heroics were ended by a shooter. "I kept reminding Atherton of that game," Russell said. "I couldn't face going through it again."

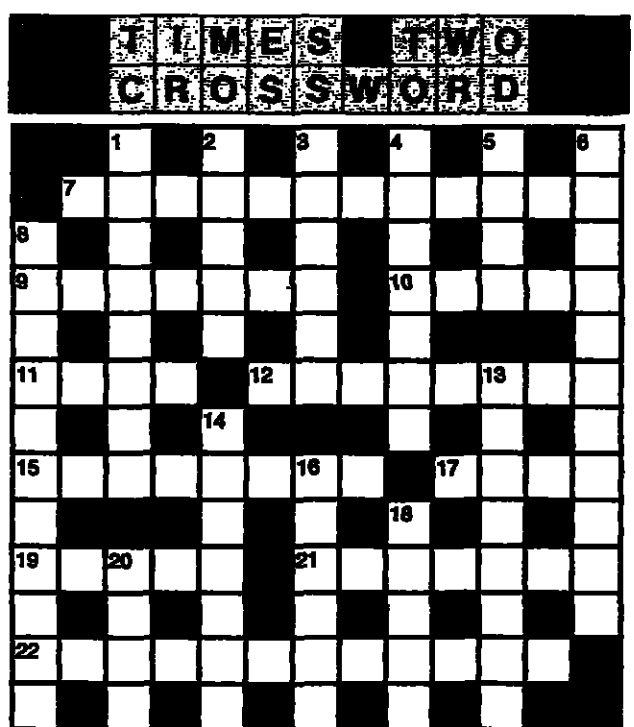
Atherton has a great affection and a burgeoning respect for his partner. "Jack was constantly in my ear, telling me about Bridgetown, but he also played every ball as if his life depended on it," he said.

Evans wins racing award for The Times

RICHARD EVANS, right, the racing correspondent of *The Times*, has been voted Racing Journalist of the Year by the Horserace Writers' Association. The Clive Graham Award acknowledges his work over the past 12 months and his contribution to racing journalism since succeeding the late Michael Seely as racing correspondent in 1991.



Evans, 42, joined *The Times* in 1979 and his eight years on the parliamentary staff have stood him in good stead as racing's long-term future has been determined largely by politicians. The judges praised Evans's "energy and determination" in seeking out news and his "ability to reach the core of a story in a few well-chosen sentences." Evans's award emphasises the strength of racing in *The Times*, whose tipster, Thunder, leads the annual competition to determine the most profitable national newspaper forecaster.



No 644

- ACROSS
- Resume old ways (6,2,4)
 - A wearing away (7)
 - Sort of dog, of shorts (5)
 - Individual article (4)
 - Apparition, spectre (8)
 - In no particular place (8)
 - Oven for brick (4)
 - Thin biscuit; Communion bread (5)
 - Row of houses; its street (7)
 - Highly abusive criticism (12)
- DOWN
- Restoration; a regaining (8)
 - Magical servant (5)
 - Smell of eg corruption (6)
 - Join together (7)
 - Big cat, proverbially keened (4)
 - Sorcerer, conjures spirits of dead (11)
 - Rippling movement of spectators (7,4)
 - Cartoon-film artist (8)
 - Course of treatment (7)
 - Quip; lab, vessel (6)
 - Soup, stock (5)
 - Seizures; is suitable (4)

SOLUTION TO No 643

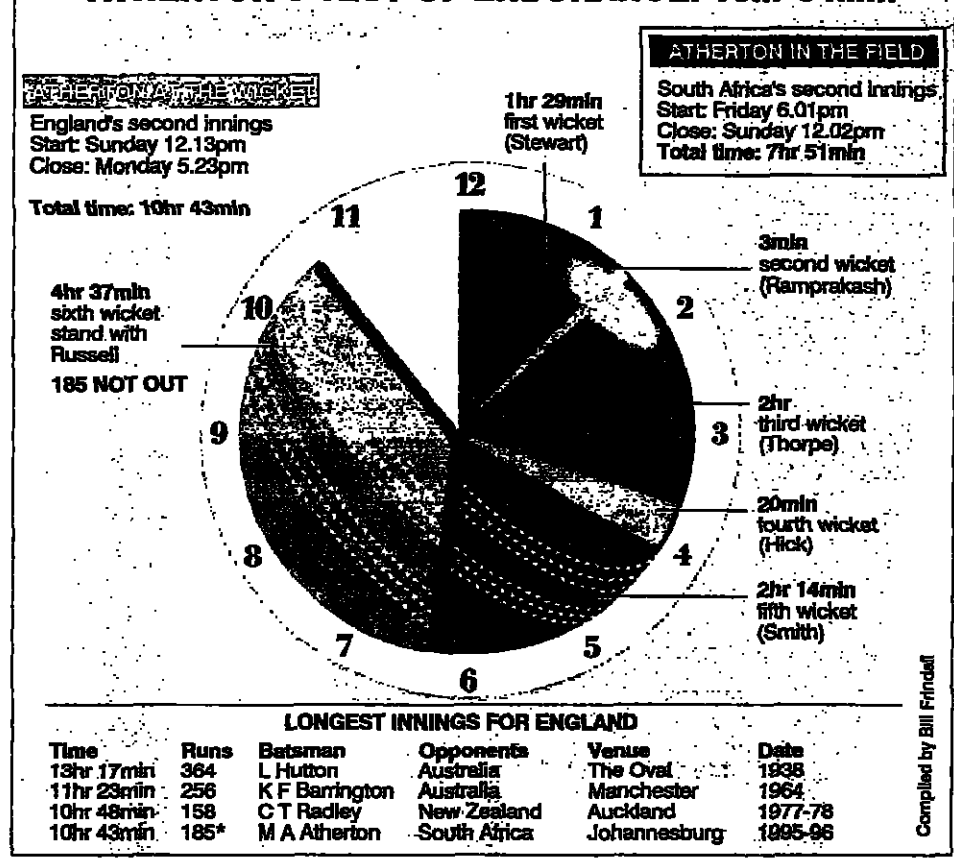
ACROSS: 1 Deposit 5 Hobby 8 Santa 9 Regatta 10 Village 11 Vain 13 Well I never did 16 Vane 17 Partisan 20 Trivial 21 Bliss 22 Leggy 23 Slavery
DOWN: 1 Disavow 2 Penal 3 Spare-rib 4 Turn the tables 5 Huge 6 Bolland 7 Years 12 Vertebra 14 Landing 15 Dynasty 16 Vital 18 Suite 19 City

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ATHERTON'S TEST OF ENDURANCE: 18hr 34min



FULL SCOREBOARD FROM JOHANNESBURG

England won last	M R Ramprakash b Donald 4 (27min, 35 balls, 1 four)	B M McMillan not out (27min, 235 balls, 3 fours)	R C Russell not out (27min, 235 balls, 3 fours)
SOUTH AFRICA: First Innings	G A Hick c and b Eksteen 34 (44min, 59 balls, 7 fours)	J R Henderson c Ramprakash b McMillan 29 (44min, 28 balls, 5 fours)	Stewart b 1, no 23
A C Hudson c Stewart b Cork 110 (25min, 27 balls)	S M Pollock c and b Eksteen 5 (17min, 14 balls, 1 four)	C E Eksteen c Russell b Cork 2 (17min, 14 balls)	Evans b 5, b 12, w 1, no 3
G Kirsten c Russell b McMillan 6 (23min, 24 balls, 10 fours)	R A Smith c and b McMillan 52 (141min, 108 balls, 1 six, 8 fours)	M W Pringle c Hick b Fraser 2 (37min, 23 balls, 1 four)	Donnelly b 5, b 12, w 1, no 3
D J Croux c Russell b Pollock 6 (76min, 51 balls, 6 fours)	Y R C Russell c Richardson b Eksteen 12 (25min, 23 balls, 1 four)	A A Donald not out (37min, 23 balls, 1 four)	Stewart b 5, b 12, w 1, no 3
M J Gubbins c Russell b Pollock 6 (181min, 126 balls, 10 fours)	D O Cork c Cullinan b Pollock 2 (17min, 14 balls)	A A Donald not out (37min, 23 balls, 1 four)	Stewart b 5, b 12, w 1, no 3
J N Rhodes c Russell b Cork 5 (22min, 14 balls)	D O Cork c Cullinan b Pollock 2 (17min, 14 balls)	A A Donald not out (37min, 23 balls, 1 four)	Stewart b 5, b 12, w 1, no 3
B M McMillan b Cork 35 (25min, 27 balls, 7 fours)	D O Cork c Cullinan b Pollock 2 (17min, 14 balls)	A A Donald not out (37min, 23 balls, 1 four)	Stewart b 5, b 12, w 1, no 3
S M Pollock c Smith b McMillan 38 (57min, 45 balls, 5 fours)	D O Cork c Cullinan b Pollock 2 (17min, 14 balls)	A A Donald not out (37min, 23 balls, 1 four)	Stewart b 5, b 12, w 1, no 3
C E Eksteen c Russell b Pollock 13 (25min, 38 balls, 1 four)	D O Cork c Cullinan b Pollock 2 (17min, 14 balls)	A A Donald not out (37min, 23 balls, 1 four)	Stewart b 5, b 12, w 1, no 3
M W Pringle not out (37min, 10 balls, 2 fours)	D O Cork c Cullinan b Pollock 2 (17min, 14 balls)	A A Donald not out (37min, 23 balls, 1 four)	Stewart b 5, b 12, w 1, no 3
A A Donald b McMillan 0 (23min, 10 balls, 2 fours)	D O Cork c Cullinan b Pollock 2 (17min, 14 balls)	A A Donald not out (37min, 23 balls, 1 four)	Stewart b 5, b 12, w 1, no 3
Evans b 5, b 12, w 1, no 3	D O Cork c Cullinan b Pollock 2 (17min, 14 balls)	A A Donald not out (37min, 23 balls, 1 four)	Stewart b 5, b 12, w 1, no 3
Total (104 overs, 448min)	D O Cork c Cullinan b Pollock 2 (17min, 14 balls)	A A Donald not out (37min, 23 balls, 1 four)	Stewart b 5, b 12, w 1, no 3
FALL OF WICKETS: 1-10 (Stewart 1), 2-45 (Stewart 2), 3-108 (Stewart 4), 4-116 (Hick 6), 5-126 (Smith 3), 6-147 (Smith 10), 7-178 (Smith 38), 8-193 (Smith 46), 9-200 (Smith 52)	D O Cork c Cullinan b Pollock 2 (17min, 14 balls)	A A Donald not out (37min, 23 balls, 1 four)	Stewart b 5, b 12, w 1, no 3
BOWLING: Donald 15-3-49-2, Pringle 17-4-46-1, Pollock 15-3-44-3, McMillan 10-2-0-42-1, Eksteen 11-6-10-3.	D O Cork c Cullinan b Pollock 2 (17min, 14 balls)	A A Donald not out (37min, 23 balls, 1 four)	Stewart b 5, b 12, w 1, no 3
SOUTH AFRICA: Second Innings	D O Cork c Cullinan b Pollock 2 (17min, 14 balls)	A A Donald not out (37min, 23 balls, 1 four)	Stewart b 5, b 12, w 1, no 3
A C Hudson c Russell b Fraser 17 (24min, 25 balls, 3 fours)	D O Cork c Cullinan b Pollock 2 (17min, 14 balls)	A A Donald not out (37min, 23 balls, 1 four)	Stewart b 5, b 12, w 1, no 3
G Kirsten c Russell b McMillan 1 (17min, 14 balls, 1 four)	D O Cork c Cullinan b Pollock 2 (17min, 14 balls)	A A Donald not out (37min, 23 balls, 1 four)	Stewart b 5, b 12, w 1, no 3
W J Croux c Russell b Cork 48 (107min, 95 balls, 5 fours)	D O Cork c Cullinan b Pollock 2 (17min, 14 balls)	A A Donald not out (37min, 23 balls, 1 four)	Stewart b 5, b 12, w 1, no 3
J N Rhodes c Gough b Cork 61 (101min, 88 balls, 11 fours)	D O Cork c Cullinan b Pollock 2 (17min, 14 balls)	A A Donald not out (37min, 23 balls, 1 four)	Stewart b 5, b 12, w 1, no 3
A J Stewart c Russell b Fraser 57 (172min, 134 balls, 7 fours)	D O Cork c Cullinan b Pollock 2 (17min, 14 balls)	A A Donald not out (37min, 23 balls, 1 four)	Stewart b 5, b 12, w 1, no 3

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